

# Science, Reform and Politics in Victorian Britain

The Social Science  
Association 1857–1886

LAWRENCE GOLDMAN

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# SCIENCE, REFORM, AND POLITICS IN VICTORIAN BRITAIN

*The Social Science Association 1857–1886*

*Science, Reform, and Politics* is a study of the relationship between social thought, social policy and politics in Victorian Britain. Goldman focuses on a remarkable organisation, the National Association for the Promotion of Social Science, known as the Social Science Association. For three decades this served as a forum for the discussion of key Victorian social questions and as an influential adviser to governments, and its history discloses how social policy was made in these years. Its participants included many notable figures, among them politicians (for example, Gladstone and Russell), intellectuals (Mill and Ruskin), public administrators (Chadwick and Kay-Shuttleworth), reformers (Brougham and Shaftesbury) and the pioneering feminists of the age (Barbara Bodichon and Bessie Rayner Parkes). The Association had influence over policy and legislation on matters as diverse as public health, crime and punishment, secondary education, class and industrial relations, and women's legal and social emancipation. The SSA has an important place in the history of social thought and sociology, showing the complex roots of these disciplines in the non-academic milieu of nineteenth-century reform. Its influence in the United States and Europe allows for a comparative approach to political and intellectual development in this period.

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*To Madeleine*





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*A note on citations in the text of papers published in the  
Transactions and Sessional Proceedings  
of the Social Science Association*

For reasons of space it has been necessary to curtail full referencing of quotations and citations from the publications of the Social Science Association. In most cases reference is to the volume and page only; the author and title of a paper are not given (though the identity of the speaker/writer should be clear from the text). Occasionally, where full details may be helpful to the reader, or the paper is of special importance, a complete citation has been provided in the footnotes. Papers from these sources have not been included in the bibliography as separate items.

## *Abbreviations*

### *Institutions*

ARA	Administrative Reform Association
ASSA	American Social Science Association
BAAS	British Association for the Advancement of Science
BL	British Library
BMA	British Medical Association
ISSA	Association Internationale pour le Progrès des Sciences Sociales
LAS	Law Amendment Society
NAPSS	National Association for the Promotion of Social Science
NRU	National Reformatory Union
SIC	Schools Inquiry or Taunton Commission
SSA	Social Science Association

### *Sources*

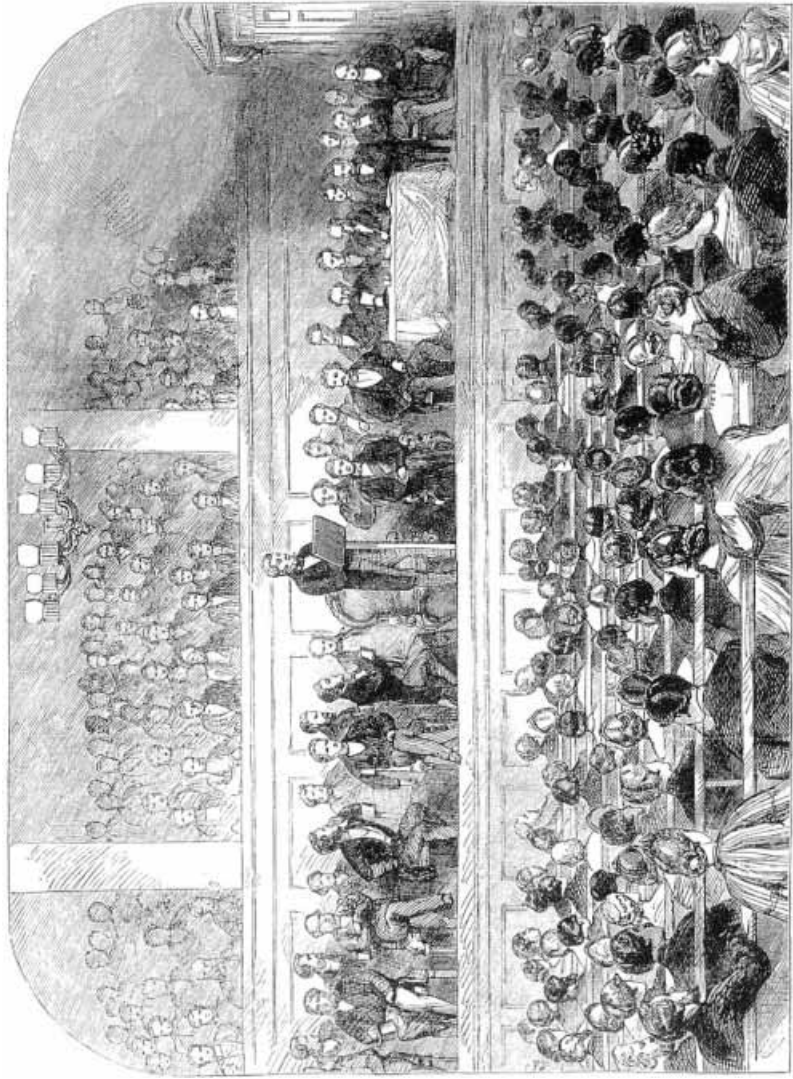
B MSS	Brougham Papers, University College, London
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### *Publications*

<i>BMJ</i>	<i>British Medical Journal</i>
<i>DNB</i>	<i>Dictionary of National Biography</i>
<i>JSSL</i>	<i>Journal of the Statistical Society of London</i>
<i>JSS</i>	<i>Journal of Social Science</i> (New York)
<i>LAJ</i>	<i>Law Amendment Journal</i> (1855–8)
<i>PP</i>	<i>Parliamentary Papers</i>
<i>SP (year)</i>	<i>Sessional Proceedings of the National Association for the Promotion of Social Science</i>



<i>T.(year)</i>	<i>Transactions of the National Association for the Promotion of Social Science</i> (+ year of congress). Volumes were published in London in the year following each annual congress.
<i>TLAS</i>	<i>Transactions of the Law Amendment Society</i> (1858–63)
<i>TSS</i>	<i>Trades' Societies and Strikes. Report of the Committee on Trades' Societies, Appointed by the National Association for the Promotion of Social Science</i> (London, 1860)



1. 'Lord Brougham delivering the opening address in the Free-Church Assembly-Hall' (Edinburgh, 1863).

## INTRODUCTION

### *The contexts of the Social Science Association*

#### I

The National Association for the Promotion of Social Science, known to contemporaries as the Social Science Association, was founded in London on 29 July 1857 and held its inaugural congress in Birmingham some weeks later in early October. Thereafter, its annual meetings captured national attention for a generation. Held in all the major cities of Britain and attended by thousands, they were a focus for social and institutional reform in mid-Victorian Britain. The Social Science Association was an open forum for the discussion of all aspects of social policy and was variously referred to as an 'outdoor parliament', a 'supplementary parliament', an 'unofficial parliament', an 'amateur parliament', and a 'parliament out of session', staffed, according to *The Spectator* by the 'volunteer legislators of Great Britain'.<sup>1</sup> In the words of Lord Brougham, its first president, it was 'to aid legislation by preparing measures, by explaining them, by recommending them to the community, or, it may be, by stimulating the legislature to adopt them'.<sup>2</sup> After participating in its first two congresses, Lord John Russell, the mid-Victorian prime minister, described it as 'a yearly Council for national and local government to go by'.<sup>3</sup> According to John Stuart Mill, 'it really brings together persons of all opinions consistent with the profession of a desire for social improvement'.<sup>4</sup> *The Times* saw it as 'a centre for the communication and interchange of ideas on current topics of political and social

<sup>1</sup> *The Times*, 25 April 1862, 12; *Daily News*, 30 Sept. 1869, 5; 2 Oct. 1873, 5; *Western Daily Press* (Bristol), 1 Oct. 1869, 2; *The Times*, 9 Oct. 1873, 7; *The Spectator*, 14 June 1862, 657.

<sup>2</sup> 'Inaugural Address', *Tr* 1857, 23.

<sup>3</sup> Russell to G. W. Hastings, 23 Oct. 1858, G. W. Hastings papers in the possession of the late Professor Adrian Hastings, Leeds.

<sup>4</sup> J. S. Mill to T. B. Potter, 17 March 1864 in *The Later Letters of John Stuart Mill 1849-1873*, ed. F. E. Mineka and D. N. Lindley (Toronto, 1972), in *Collected Works of John Stuart Mill* (ed. J. M. Robson) (33 vols. Toronto, 1963-91), xv, 925.

interest'.<sup>5</sup> According to the *Daily Telegraph* its function was 'to take up the raw materials of social legislation, and, by the help of statistics, statements and discussions, to reduce the "hard facts" to the condition of manageable matter'. Thus it had linked itself 'more and more with the current business of the state' and become 'a power in the Imperial System'.<sup>6</sup> One provincial newspaper wrote of it 'gathering together the experience of the nation'.<sup>7</sup> The pioneer feminist, Bessie Rayner Parkes, described it as a 'convention of the most weighty men and women in England'.<sup>8</sup> To Edwin Chadwick, speaking for the emergent class of professional men with expert social knowledge on whom the Association came to depend and to represent, the SSA served to bring 'into personal communication with each other . . . persons who give their attention to special subjects as sanitarians, educationists, law reformers and political economists'.<sup>9</sup>

The Social Science Association divided its deliberations into five 'departments' on legal reform, penal policy, education, public health, and 'social economy' (concerned with industrial, commercial, and welfare questions) and maintained a central organisation in London to co-ordinate the lobbying of parliament and the administration of the day. It commanded an influential membership: in the process of its formation its three patrons were Russell, twice prime minister; Stanley, who could have inherited the leadership of the Conservative Party from his father, the fourteenth earl of Derby, and so displaced Disraeli, had he sought for the highest office, and who was later to serve in both Conservative and Liberal cabinets; and Brougham, the great champion from the past of anti-slavery, popular education, and parliamentary reform. The SSA's inaugural council included eighteen peers; twenty-eight MPs; leading representatives from that gifted group of mid-century public administrators including Chadwick, William Farr, John Simon, and James Kay-Shuttleworth; and, from among the intellectuals, Mill, Ruskin, Kingsley, and Maurice.<sup>10</sup> It gathered together leading figures from the political, administrative, and professional classes of mid-Victorian Britain and brought them into communication with the public during a period in which politics were being popularised and beginning to encompass social

<sup>5</sup> *The Times*, 21 Sept. 1882, 9.      <sup>6</sup> *Daily Telegraph*, 6 Oct. 1871, 4.

<sup>7</sup> *Glasgow Daily Herald*, 2 Oct. 1860, 2.

<sup>8</sup> Bessie Parkes to Barbara Bodichon, 13 Sept. 1859, Bessie Rayner Parkes papers, Girton College, Cambridge, BRP V 90/3.

<sup>9</sup> *Constitution, Address and List of Members of the American Association for the Promotion of Social Science* (Boston, 1866), 49–50.

<sup>10</sup> *T.1857*, xv–xvi.

questions. The Social Science Association was uniquely representative of the social concerns of mid-Victorian Britain during this transition, mediating between politicians and an expanding political nation.

Its representations secured the Taunton Commission of 1865–8 from which followed the Endowed Schools Act in 1869 and the reform of secondary education. It prompted the appointment of the Royal Sanitary Commission of 1869–71 which led to reforms in public health in the early 1870s, culminating in the consolidating Public Health Act of 1875. It was principally responsible for the Married Women's Property Act of 1870 and for the wider promotion of feminist reforms. After many years publicising 'reformatory principles' in the treatment of criminals, the SSA dictated the terms of the Habitual Criminals Act in 1869 and the Prevention of Crimes Act in 1871. Its extensive research into trade unionism, published in 1860 as *Trades' Societies and Strikes* assisted public acceptance and legal recognition of organised labour in the 1860s. There was hardly a social question excluded from the SSA's debates, and it had a part to play, whether greater or lesser, in the resolution of many of them – though to assess it in terms of its legislative successes alone does a disservice to an organisation with broader social and cultural influence as well.

## II

The extent of the Association's interests, its heterogeneous composition, and the difficulty of discovering the extent of its influence may have deterred historians from trying to understand it as a whole and in the context of its age.<sup>11</sup> Generally it has been discussed in relation to discrete aspects of mid-Victorian social development, among them the laws governing women in marriage,<sup>12</sup> secondary education,<sup>13</sup> public health,<sup>14</sup> penal policy,<sup>15</sup> legal and commercial reform,<sup>16</sup> the treatment of poverty

<sup>11</sup> For an early summary see Brian Rogers, 'The Social Science Association, 1857–1886', *Manchester School*, 20 (1952), 283–310.

<sup>12</sup> Lee Holcombe, *Wives and Property. Reform of the Married Women's Property Law in Nineteenth-Century England* (Oxford, 1983), 123–6.

<sup>13</sup> Sheila Fletcher, *Feminists and Bureaucrats: A Study in the Development of Girls' Education in the Nineteenth Century* (Cambridge, 1980), 14–19. David Allsobrook, *Schools for the Shires. The Reform of Middle-Class Education in Mid-Victorian England* (Manchester, 1986), 140–5. Richard Aldrich, 'Association of Ideas: The National Association for the Promotion of Social Science', *History of Education Society Bulletin*, 16 (1975), 16–21.

<sup>14</sup> F. B. Smith, *Florence Nightingale: Reputation and Power* (London, 1982), 132–5.

<sup>15</sup> Martin J. Wiener, *Reconstructing the Criminal. Culture, Law and Policy in England 1830–1914* (Cambridge, 1990), 143–4.

<sup>16</sup> O. R. McGregor, *Social History and Law Reform: The Hamlyn Lectures, 1979* (London, 1981), 17–26; G. R. Searle, *Entrepreneurial Politics in Mid-Victorian Britain* (Oxford, 1993), 198–201.

and unemployment,<sup>17</sup> the organisation and growing specialisation of social and academic life,<sup>18</sup> and the increasing significance of a 'scientific' approach to social issues.<sup>19</sup> The links between these concerns which might explain the nature and limits of social policy-making in the period, and the place of the Association in wider political and bureaucratic history, have been largely, if understandably, ignored. Historians have used the Association's *Transactions* when relevant to their subjects, dipping in for illustrations of contemporary opinion, but the sheer scale of the printed volumes published by the Association – and their opacity – have probably deterred more systematic work. And such work as has been undertaken on the SSA has sometimes presented it as a forum for the exercise of the 'troubled conscience' of middle and upper-class Victorians, whereas the arguments to be developed here emphasise the Association's commitment to a different set of values – science, professionalism, and expertise – and a different function as a part of the process of policy-making.<sup>20</sup> The Association's definition and practice of social science has attracted attention, though only briefly, and only to argue that far from assisting the development of social-scientific thinking in nineteenth-century Britain, the SSA actually impeded it, diverting it into the mundane tasks of social administration and research and frustrating the impulse to synthesise and theorise.<sup>21</sup> In short, while the Social Science Association has been used as a source, with one exception it has not been studied in its own right nor fully contextualised as a component of mid-Victorian culture and politics.

The notable exception to this pattern is the important work of Eileen Yeo in her doctoral thesis and more recent survey of nineteenth-century social science. Yeo's pioneering study placed the SSA in the context of a range of groups and projects with a claim on 'social science', including the Statistical Societies and the Owenites at the beginning of the Victorian era and academic sociologists at its end. Her focus was on differing approaches to the study of poverty and the working class across the century. In relation to the Social Science Association she paid

<sup>17</sup> E. P. Hennock, 'Poverty and Social Theory in England: The Experience of the Eighteen-Eighties', *Social History*, 1 (1976), 67–91, esp. 76–8.

<sup>18</sup> Stefan Collini, *Public Moralists. Political Thought and Intellectual Life in Britain 1850–1930* (Oxford, 1991), 210–11.

<sup>19</sup> S. Checkland, *British Public Policy 1776–1939. An Economic, Social and Political Perspective* (Cambridge, 1983), 138.

<sup>20</sup> Lawrence Ritt, 'The Victorian Conscience in Action: The National Association for the Promotion of Social Science 1857–1886' (unpublished PhD dissertation, Columbia University, 1959), 78.

<sup>21</sup> Philip Abrams, *The Origins of British Sociology, 1834–1914* (Chicago, 1968), 44–52.

particular attention to its social composition and role in inter-class conflicts. Her chapters on the SSA present a valuable case-study in the social determination of sociological knowledge and its relationship to social activism.<sup>22</sup> More recently she has placed the Association in a broad tradition of nineteenth-century debates on gender as well as social class, and presented it, appropriately and accurately, as representative of one of several competing forms of social explanation in the period, each of which reflected a specific social grouping and its interests.<sup>23</sup> While this book also examines the SSA in terms of its class interests – notably in chapter 7 on its role in mid-Victorian industrial relations – it is as concerned with the consequences of inter-class solidarity and social cohesion in the 1850s and 1860s as with class divisions. Its primary focus, however, is on the SSA as a policy-making forum and its role within the developing legislative, administrative, and party-political structures of a crucial transitional period. Accepting that the Association naturally and reflexively represented the interests of specific sections of the Victorian bourgeoisie, the aim has been to reconstruct carefully its debates, lobbies, and political interactions to discover how, and in what way, the Association was able to develop and promote specific policies on different social questions. This has made it possible to understand in general how social policies were generated and implemented in the period. When this study turns to an examination of Victorian social science as understood and practised by the SSA, meanwhile, it does so within the framework of an international-comparative analysis rather than in relation to other domestic movements, relating the Association to similar organisations in Europe and the United States. In these ways the approach and focus of this book are complementary to Yeo's but also fundamentally different, and the resulting account is probably more sympathetic to the Association and its achievements.

Because of the breadth of its interests and the historical significance of the people who took part in its discussions, the Social Science Association lends itself to many different historical approaches and treatments. It provides a window through which to observe the mid-Victorian generation and it offers an opportunity to generalise about the age as a whole. But if generalisation is one of the aims of this study, it must be

<sup>22</sup> Eileen Yeo, 'Social Science and Social Change: A Social History of Some Aspects of Social Science and Social Investigation in Britain, 1830–1890' (unpublished DPhil thesis, University of Sussex, 1972).

<sup>23</sup> Eileen Yeo, *The Contest for Social Science. Relations and Representations of Gender and Class* (London, 1996), 120–80.

emphasised that detailed work on specific questions shows that the Association had a considerable and, perhaps, surprising degree of influence over the making of social policies. More than just an emblem of the age, it was itself a maker of mid-Victorian history and it demonstrates that a richer interplay between legislation, expert intervention, and public opinion characterised these decades than has been realised hitherto.

Yet reconstructing this complex interaction has proved difficult because of the nature of the sources: there is too much of one type and too little of another. In 1879 one newspaper cast forward to speculate on the Association's place in history: 'At a future period its archives may be disinterred, in order to afford to the curious of a distant generation some light upon the social ideas and methods of the present benighted age.'<sup>24</sup> Unfortunately, there are no such archives: hardly any institutional papers have survived. Instead, the Association's history has had to be pieced together using collections of the personal papers of some of its leading figures and, where they exist, published memoirs and biographies. On the other hand, the SSA left behind voluminous *Transactions* – volumes of verbatim papers, discussions, and reports. They form 'an immense, invaluable, and as yet little-used source of Victorian social and administrative history'.<sup>25</sup> But the sheer density of this material, and the manner of its presentation, thrown together without editorial intervention and explanation, make it difficult to place contributions in relation to each other and in relation to national debate; or to understand which among a plethora of alternative ideas was favoured by the Association; and, if action was taken on an issue, what was done, and what resulted. As one newspaper commented 'Papers on every conceivable topic have been read, but not considered; leaving all the points brought forward to fall stillborn on the world.'<sup>26</sup> Perhaps these problems were appreciated by the Association itself, and explain why, on its twenty-fifth anniversary, it issued a summary of its major interests and achievements. This manual was itself so defective and error-strewn, however, that it only compounds the problem.<sup>27</sup> Yet there are other sources for its history. The mid-Victorian press has been used consistently, for the reports of provincial newspapers, especially in those cities which played host to a

<sup>24</sup> *Manchester Examiner and Times*, 2 Oct. 1879, 5.

<sup>25</sup> M. W. Flinn, 'Introduction' in Alexander P. Stewart and Edward Jenkins, *The Medical and Legal Aspects of Sanitary Reform* (1866) (Leicester, 1969 edn), 21.

<sup>26</sup> *The Bee-Hive*, 24 Oct. 1863, 4.

<sup>27</sup> NAPSS, [J. L. Clifford-Smith] *A Manual for the Congress with a Narrative of Past Labours and Results* (London, 1882).



congress, are not only vibrant examples of Victorian 'print culture', but provide further information on the SSA's institutional history and policies. Each year the SSA's congress was an event of national importance. The London press presented the major addresses and papers verbatim, allotting daily editorials to their discussion, while provincial newspapers were devoted to every detail of the meetings in their locales and produced special supplements once the congress had departed. From them it is possible to place the Association in the life of the nation.

### III

It is also possible to place the Social Science Association in the context of several different historiographical discussions: on the nature and distinctiveness of mid-Victorian political culture, the process by which Victorian social policies were made, the growth of bureaucratic government in the nineteenth century, and the contribution made by the Victorians to the development of a social science.

For a period in the 1970s and 1980s Victorian political historiography was focused on the rival claims of approaches emphasising the primacy of either 'high' or 'low' politics.<sup>28</sup> A traditional interpretation of growing popular participation in nineteenth-century politics, and of a growing responsiveness to this on the part of a governing class attempting to maintain its position by demonstrating its capacity for continued leadership of a changing society, was challenged by a renewed focus on the 'high politics' of the cabinet and a handful of political leaders. It was argued that personality and personal political advantage mattered as much, if not more, at critical moments than wider questions of social need or political principle. Careerism and character – be it Disraeli's 'leap in the dark' in 1867 or the conflict between Chamberlain and Gladstone in 1885–6 – could explain a great deal about the fortunes of parties as well as individuals.<sup>29</sup> The challenge was salutary and the point taken. It may be a truism that politicians have careers to build and enemies to ditch, but such simple facets of human nature had been overlooked in the study of movements and pressures 'from without' and countervailing parliamentary responses 'from within' which had largely consumed historians in the 1960s and 1970s. The debate petered out, perhaps because on both sides there was a recognition that Victorian political history was too

<sup>28</sup> M. Bentley and J. Stevenson (eds.), *High and Low Politics in Modern Britain* (Oxford, 1983).

<sup>29</sup> M. Cowling, *1867: Disraeli, Gladstone and Revolution* (London, 1967); J. Vincent and A. B. Cooke, *The Governing Passion: Cabinet Government and Party Politics in Britain 1885–86* (Brighton, 1974).

complex and interesting to be reduced to one or other interpretation.<sup>30</sup> High-political historiography may have the edge in explaining political calculation at acknowledged moments of parliamentary and cabinet instability such as 1866–7 and 1885–6, but it cannot explain why the question of a second reform bill or of Home Rule had become so urgent that each had to be faced: why politicians were presented with issues which could be manipulated for baser personal as well as higher public ends. Gladstone may have used Irish questions to purge his party of his personal opponents – though he was animated by many other considerations as well – but the issue itself was not manufactured for this purpose: the Irish problem, ever-changing, had the deepest popular and ‘low-political’ roots.

The debate was hampered by the use of polarities – high and low – which could not do justice to the complexity and transformations of Victorian political culture. The *modus operandi* of the Social Science Association, which used its large public gatherings to direct attention towards abuses, would have had little impact or point in a ‘high-political’ system closed off from popular politics. But neither would it have made sense to invest as much time and effort as the Association devoted to the careful cultivation of potential and actual ministers if parliament and the executive had been instinctively sensitive to extra-parliamentary needs and demands from below. In truth, the Social Science Association was required to link together top and bottom, centre and periphery, metropolis and province, within an expanding political nation. It emerged precisely because an earlier, more enclosed and self-referential political system was giving way – with the spread of literacy, improvements in communication, the dissemination of information, and the growth of mass political consciousness – to a broader and more inclusive political culture. It was an intermediary institution, bringing parliamentary stars before the people and taking provincial opinion with it when it returned from each congress to the capital. And it operated at a time when, in the same administration, ministers differed very considerably in their responsiveness to extra-parliamentary movements and pressure.<sup>31</sup> As such, if it shows the limitations of a strictly ‘high-political’ approach, its form and function also suggest that the very terms of the debate so polarised

<sup>30</sup> For more recent remarks on this debate see James Vernon, *Politics and the People. A Study in English Political Culture, c. 1815–1867* (Cambridge, 1993), 2–3; Jon Lawrence, *Speaking for the People. Party, Language and Popular Politics in England, 1867–1914* (Cambridge, 1998), 61–4.

<sup>31</sup> Peter Mandler, *Aristocratic Government in the Age of Reform. Whigs and Liberals 1830–1852* (Oxford, 1990), 173–4.

discussion as to blind us to the central question of how 'high' and 'low' politics interacted in this period. The real interest, in other words, may lie in the middle – in the links that were built between parliamentary and popular politics in the age of Palmerston, Russell, Gladstone, and Disraeli. The SSA can only be understood in the context of a new set of political relations in the 1850s and 1860s which embraced hitherto excluded groups and linked them together with existing elite leaderships in more broadly based political parties.

One protagonist of the 'high-political' school has criticised the political historians of the 1960s for their 'soft-centred image of how British politics functioned – one that alleged conviction at the top and "influence" from below without actually demonstrating it from historical evidence'.<sup>32</sup> Whether or not this is fair to the scholarship of a previous generation, this book tries to demonstrate the 'conviction' that brought leading figures into active communication with a popular forum like the Social Science Association. Some, like Brougham and Russell, drew on a long and distinguished tradition of whig reformism.<sup>33</sup> Others, like H. A. Bruce, Home Secretary between 1868 and 1873, were men of business who relied on the Association's expertise in formulating social policy.<sup>34</sup> The 'coming man' in Conservative politics, Lord Stanley, was involved with the SSA in order to educate himself and thereby offer a new direction to his party. All were demonstrating a 'conviction' that social questions mattered, that public opinion deserved high-political respect, and that an expert forum had something to offer the governing class of the age. If politics in the 1850s still denoted constitutional, foreign, and religious issues, and if social questions were relegated to secondary status, then, as this study demonstrates, by the end of the SSA's lifespan it was recognised that they had assumed a central and growing importance. This book also tries to show how 'influence from below' was focused at the SSA and then projected upwards to Westminster and Whitehall by well-orchestrated national campaigns, star-studded public meetings, delegations to ministers, or editorials in the press drawing attention to abuses condemned or issues raised at a congress. Detailed case-studies of the Association at work, meanwhile, should provide the necessary 'historical evidence' to prove the interplay between high and low politics, even if they also demonstrate that the SSA's influence did not always result in solutions and

<sup>32</sup> M. Bentley, *Politics Without Democracy 1815–1914. Perception and Preoccupation in British Government* (London, 2nd edn, 1996), 20.

<sup>33</sup> Mandler, *Aristocratic Government in the Age of Reform*, *passim*.

<sup>34</sup> See ch. 5 below, pp. 163–8.

institutional rearrangements with which it concurred. Gladstone chairing a famous meeting of the SSA's 'Labour and Capital Committee' on a Saturday afternoon in July 1868, some months before he was first elected prime minister; Russell's role in 1859 in securing the position of the Chief Medical Officer in accordance with the Association's wishes; Bruce's open door at the Home Office to its experts on penal policy; Lord Lyttelton's too-honest discussion at the Association of his policy for the reform of secondary education – these vignettes are evidence of the reciprocal relations between high and low politics. That the SSA existed, and that it operated in this manner, in other words, vindicates the type of political history that was written in the 1960s: its protagonists may have been over-enthusiastic to prove the social determination of politics, but they were not mistaken in seeing the growing *interaction* of high and low levels as the leading trend in Victorian political history.

That the SSA existed *when* it existed is also significant, for this study is premised – against some recent arguments – on the distinctive nature of the mid-Victorian era running roughly from the 1850s until the late 1870s.<sup>35</sup> The combination and coincidence in the early 1850s of renewed prosperity; the decline of Chartist radicalism; the acknowledgement of new forms of working-class association – co-operatives, friendly societies, and craft unions – signified in the SSA's famous investigation at the close of the decade, *Trades' Societies and Strikes*; the ending of the transportation of convicts to the colonies; the emergence of the first organised British feminist movement; and the transition to the 'era of state medicine' together mark a distinctive change in the national temperament and in the issues of the moment after the class conflicts of the 1830s and 1840s.<sup>36</sup> Contemporaries recognised this stabilisation at the time and, as this book demonstrates, saw evidence of the change in the very organisation of the Association itself. These altered conditions provided the context in which the SSA was founded and help to explain its professed aim of bringing all sections of the nation together in a new spirit of tolerance and co-operation. In like fashion, and as the penultimate chapter explains, the Association was in decline from the mid-1870s as the structural conditions – cultural as well as socio-political – that encouraged its formation began to change and the organisation lost its place in public life. The

<sup>35</sup> For a different view stressing continuities, see E. F. Biagini and A. Reid, 'Introduction' in E. F. Biagini and A. Reid (eds.), *Currents of Radicalism. Popular Radicalism, Organised Labour and Party Politics in Britain 1850–1914* (Cambridge, 1991), 1–5. See also ch. 7 below, pp. 201–2.

<sup>36</sup> Colin Matthew, 'Introduction: The United Kingdom and the Victorian Century 1815–1901' in Colin Matthew (ed.), *The Nineteenth Century. The British Isles: 1815–1901* (Oxford, 2000), 8–9.

legislative settlement of outstanding issues affecting public health, penal policy, secondary education, and organised labour in the late 1860s and early 1870s, whether favourable or not in the Association's view, brought its creative advocacy to an end. It is a contention of this book that to understand the history of the Social Science Association is to appreciate the distinctiveness of the mid-Victorian period, the so-called 'Age of Equipoise'.<sup>37</sup>

#### IV

In relation to another historical debate on the way in which the Victorian state came to recognise and deal with social questions, the Social Science Association again provides evidence that the opposed positions in the literature have simplified a more complex and more interesting reality. The debate on why and how the Victorian state grew, taking on more functions and social responsibilities, was once, in the era of the post-war Welfare State, a central theme in modern British historiography. A generation which considered the establishment of comprehensive welfare policies to be its greatest achievement not unnaturally cast back to understand the supposed roots of this in the nineteenth century.<sup>38</sup> The historians of the 1950s and 1960s thus found themselves confronting the interpretation of A. V. Dicey in his *Lectures on the Relation Between Law and Public Opinion in England during the Nineteenth Century*, the first attempt at an historical explanation of the growth of the Victorian state, which was written at the turn of the twentieth century.<sup>39</sup> Dicey emphasised ideational factors in his interpretation: the influence of changing principles, the force of public opinion, the power of ideology, and the effect of great minds, above all Bentham. His text is notable for vague references to 'the spirit of the time' and 'the general tendencies of English thought'. These were never very clearly defined, but 'Benthamism' dominated the philosophy and practice of nineteenth-century government because it was apparently in accord with them.<sup>40</sup> The ideas of nineteenth-century

<sup>37</sup> W. L. Burn, *The Age of Equipoise. A Study of the Mid-Victorian Generation* (London, 1964).

<sup>38</sup> Richard Titmuss, *Essays on the Welfare State* (London, 1958); D. Roberts, *Victorian Origins of the British Welfare State* (New Haven, 1960); M. Bruce, *The Coming of the Welfare State* (London, 1961); D. Fraser, *The Evolution of the British Welfare State: A History of Social Policy Since the Industrial Revolution* (London, 1973); A. Briggs, 'The Welfare State in Historical Perspective', *Archives Européennes de Sociologie*, 2 (1961), 221–58.

<sup>39</sup> A. V. Dicey, *Lectures on the Relation Between Law and Public Opinion in England during the Nineteenth Century* (London, 1905).

<sup>40</sup> *Ibid.* (2nd edn 1912), 170, 176.

liberalism – reason, economy, efficiency, utility, responsibility – were harnessed to explain how Victorian society transformed its attitudes to the state. But to historians at work in a research culture which encouraged the examination of the details of social policy, and at a time when the interpretation of Victorian politics placed considerable faith in ‘pragmatism’ as the motive and explanation for high-political action,<sup>41</sup> Dicey’s approach seemed too generalised, not to say unrealistic: this was not how well-meaning bureaucrats behaved when confronted with imminent social problems. To the historians of the 1950s and 1960s, notably Oliver MacDonagh and George Kitson Clark, the history of the Victorian state was better approached through the essentially empirical responses of officials trying to devise practical solutions to problems as they arose and then returning to refine procedures as the inadequacies of their original solutions became clear or as new problems developed.<sup>42</sup> The ‘enforcement-inspection-amendment cycle’, as MacDonagh dubbed it, was common to many different aspects of early and mid-Victorian social policy, and was the product of ‘the most ordinary and everyday reactions’.<sup>43</sup> This was the so-called ‘Tory interpretation’ of Victorian bureaucracy, at odds with any attempt to show the influence of Bentham, Bentham’s ideas, or Bentham’s lieutenants on the development of social administration.<sup>44</sup>

In the light of subsequent work on many areas of the Victorian state, neither of these contrasting positions can encompass any longer the variety of motives and approaches to social reform and policy-formation in this period. In particular, they both neglect the importance of professional imperatives in the making of social policy – the development of specialist knowledge and skills among Victorian public servants and members of new professional groups; the growth of expert opinion and ‘expertise’ as aspects of society in themselves; and efforts to establish professionals

<sup>41</sup> For an influential example of an interpretation emphasising high-political pragmatism, see Norman Gash, *Mr. Secretary Peel: The Life of Sir Robert Peel to 1830* (London, 1961) and *Sir Robert Peel* (London, 1972).

<sup>42</sup> Oliver MacDonagh, ‘The Nineteenth-Century Revolution in Government: A Reappraisal’, *Historical Journal*, 1 (1958), 52–67 and *A Pattern of Government Growth: The Passenger Acts and their Enforcement 1800–1860* (London, 1961); G. Kitson Clark, *An Expanding Society: Britain 1830–1900* (Cambridge, 1967).

<sup>43</sup> MacDonagh, *A Pattern of Government Growth*, 9, 349.

<sup>44</sup> H. Parris, ‘The Nineteenth-Century Revolution in Government: A Reappraisal Reappraised’, *Historical Journal*, 3 (1960), 17–37; J. Hart, ‘Nineteenth-Century Social Reform: A Tory Interpretation of History’, *Past and Present*, 31 (1965), 39–61; L. J. Hume, ‘Jeremy Bentham and the Nineteenth-Century Revolution in Government’, *Historical Journal*, 10 (1967), 361–75 and *Bentham and Bureaucracy* (Cambridge, 1981); S. E. Finer, ‘The Transmission of Benthamite Ideas 1820–50’ in G. Sutherland (ed.), *Studies in the Growth of Nineteenth-Century Government* (London, 1972); U. R. Q. Henriques, ‘Jeremy Bentham and the Machinery of Social Reform’ in H. Harder and H. R. Loyn (eds.), *British Government and Administration. Studies Presented to S. B. Chrimes* (Cardiff, 1974).

and experts in positions of high status and social authority.<sup>45</sup> Indeed, it will be an argument of this book that the processes of professionalisation and their wider impact on the making of social policy can be traced from the 1850s and 1860s, a generation earlier than standard accounts allow.<sup>46</sup> The studies in the second section of this book demonstrate the importance of such factors. Some educationalists, for example, saw the professionalisation of secondary schoolteachers as both a means by which to improve national educational standards and a way to raise the status and remuneration of teachers themselves. Doctors sought control of public health reform not merely to use their knowledge and experience in the eradication of disease but as part of a professional strategy to increase their public and political influence by colonising the bureaucracy. Medical control would ensure the development of the required techniques and structures for improving public health *and* professional advancement. Penal reformers in the 1850s and 1860s worked both from experience – the relative merits of different penal regimes in the prisons of England and Ireland – *and* new thinking on the aims and methods of penal discipline. The bureaucrats were not unreflecting officials, but men with schemes, blueprints for change, ideas for social improvement and also for group-advancement who brought them to the Social Science Association. Yet the ideas that inspired them were not the broad political ideologies which Dicey wrote about – or only indirectly – but grew from their professional commitments and experience. In other words, though this study of the making of social policy in no way underestimates the importance of ideas in social reform, it rejects both of the dominant schools of interpretation in favour of a more flexible approach which is sensitive to the complex and also random and chance factors which explain how policy is made. As the case-studies in the second section of this book show, there is no simple model that can be applied to the interactions between parliament, ministers, the bureaucracy, expert opinion, and the public in these decades.

## V

Recent research on the history of the British state has led to significant changes of perspective. In place of earlier conceptions of a limited and somnolent eighteenth-century state we recognise now a remarkably

<sup>45</sup> For the best summary of these factors and their effects on older interpretations see Roy M. MacLeod (ed.), *Government and Expertise. Specialists, Administrators and Professionals, 1860–1919* (Cambridge, 1988).

<sup>46</sup> Harold Perkin, *The Rise of Professional Society. England Since 1880* (London, 1989).

effective 'military-fiscal state', capable of maintaining domestic order and winning global wars, albeit one lacking in the accoutrements and personnel of a formal bureaucracy.<sup>47</sup> In turn, we have been reminded that the nineteenth-century aristocracy included groups of able and imaginative administrators – the early-Victorian Whigs, for example – who encouraged the growth of the state and the power of civil servants within it.<sup>48</sup> Notwithstanding these important revisions, the SSA may be accommodated within the classical Weberian model of the growth of modern bureaucracy. Its promotion of reasoned debate, enquiry, objective assessment of evidence, and the employment of experts in the making and administration of policy seem consistent with the pattern Weber laid down for the rise of 'bureaucratic authority' in modern states.<sup>49</sup> Weber's 'ideal type' bureaucracy was distinct from earlier, personal, and more arbitrary forms of governance in its reliance on expert and professional knowledge rather than charismatic authorities.<sup>50</sup> It was depersonalised, rule-bound, hierarchical, neutral, and consistent, and staffed by professional and expert officials, assured of their tenure and imbued with a distinctive *esprit de corps*.<sup>51</sup> It was characterised by 'precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination'.<sup>52</sup> But if the SSA embodied the values of Weber's 'ideal type' bureaucracy, it was, of course, a voluntary organisation outside government: it functioned alongside, and because of, an imperfect state bureaucracy which, in the 1850s and 1860s, was failing to meet the challenges of the age. The SSA was created, we might say, to fill the gap created by the absence of a competent and well-resourced bureaucracy of the ideal type in the mid-Victorian decades. It grew up in the transitional stage that historians have isolated between the 1830s and 1870s, when the growing responsibilities of the state demanded more professional social administration, but at a time when permanent and secure bureaucratic apparatus had not yet been constructed. In these decades

<sup>47</sup> J. Brewer, *The Sinews of Power. War, Money and the English State, 1688–1783* (London, 1989); Pat Thane, 'Government and Society in England and Wales, 1750–1914' in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain 1750–1950* (3 vols., Cambridge, 1990), III, 3–5; Niall Ferguson, *The Cash Nexus. Money and Power in the Modern World, 1700–2000* (London, 2001), 15–17, 180.

<sup>48</sup> Mandler, *Aristocratic Government in the Age of Reform*, *passim*.

<sup>49</sup> Max Weber, 'Bureaucracy' in H. H. Gerth and C. Wright Mills (eds.), *From Max Weber: Essays in Sociology* (London, 1948), 196–264.

<sup>50</sup> Bryan S. Turner, 'Preface', in Gerth and Mills (eds.), *From Max Weber* (1991 edn, London), xxiv.

<sup>51</sup> D. Beetham, *Max Weber and the Theory of Modern Politics* (Oxford, 1974) (1985 edn), ch. 3; W. J. Mommsen, *The Political and Social Theory of Max Weber* (Cambridge, 1989), 109–20; E. Kamenka, *Bureaucracy* (Oxford, 1989), 1–5, 51–3, 82–4.

<sup>52</sup> Gerth and Mills (eds.), *From Max Weber*, 214.



the state had need of competent officials and their expertise, but had not developed structures for their training, induction, and perpetuation in government.<sup>53</sup> The absence of such machinery gave leading officials – and the career of Edwin Chadwick, a stalwart of the Social Science Association, is an object lesson in this – a remarkable latitude in which to design and implement policy themselves, free from regulation or the oversight of other competent authorities.<sup>54</sup> Yet it also made their position precarious, vulnerable to both political attack and popular disapproval at a time when the need for social intervention and regulation was only slowly being recognised.

Hence many aspects of the Weberian model do not fit the British situation *circa* 1860 – though this is not to criticise it, for models are devised so that we may understand the particular and distinctive features of an historical situation. British civil servants did not ‘enjoy a distinct social esteem’ at this time, suffering instead from a type of status incongruity as servants of a traditional political class which owed its power to landed wealth and deference rather than knowledge and skill. Few of them enjoyed ‘the opportunity of a career that [was] not dependent upon mere accident and arbitrariness’: a change of ministry, a change of minister, or a parliamentary setback could alter entirely the prospects of an individual and his department.<sup>55</sup> Weber imagined that under conditions of modern bureaucracy, where knowledge is power, the civil service, jealous of its prerogatives, would prefer to deal with an uninformed and ignorant parliament.<sup>56</sup> But in the 1850s efficient administration was actually menaced by ill-informed and inexperienced legislators who needed to be educated into the responsibilities of modern government. Hence the *raison d’être* of the mediatory Social Science Association: to construct an informed public opinion on social questions and instruct parliament in the right course of action.

Weber understood the exceptional character of the British state where the ‘administration of notables’ – of an aristocratic governing class – had endured for longer than in other states because it had been successful (‘technically well-developed and functionally adjusted to the requirements at hand’). The classical features and the authority of a modern

<sup>53</sup> Richard Johnson, ‘Administrators in Education Before 1870: Patronage, Social Position and Role’, in Gillian Sutherland (ed.), *Studies in the Growth of Nineteenth Century Government* (London, 1972), 110–38; Roy M. MacLeod, ‘Introduction’ in Roy M. MacLeod (ed.), *Government and Expertise*, 15–16.

<sup>54</sup> G. Kitson Clark, ‘“Statesmen in Disguise”’, *Reflexions on the History of the Neutrality of the Civil Service*, *Historical Journal*, 2 (1959), 19–39. K. T. Hoppen, *The Mid-Victorian Generation 1846–1886* (Oxford, 1998), 111.

<sup>55</sup> Gerth and Mills (eds.), *From Max Weber*, 199, 208.

<sup>56</sup> *Ibid.*, 233.

bureaucracy had therefore developed more slowly.<sup>57</sup> Nevertheless, this governing class, though highly skilled in the arts of parliamentary politics, was less adept at the new social administration. It had need of social expertise – the experience and information of a specific section of the bourgeoisie, a service middle class drawn from both the traditional and the emerging professions. But, with certain exceptions, it was reluctant to give the experts security and authority because the requirement for special knowledge in government was only gradually understood and because it did not wish to encourage a rival to its own authority, based as this was upon property, title, and tradition rather than knowledge and ability. As Weber observed, a problem for a traditional ruling class was ‘how to exploit the special knowledge of experts without having to abdicate in their favour’.<sup>58</sup> It was in this situation that the Social Science Association came into being and flourished down to the mid-1870s. But by the final quarter of the nineteenth century the scale of social problems began to exceed the capacity of an *ad hoc* bureaucracy using co-opted expertise. As Weber put it, ‘With the quantitative increase of tasks the administration has to face, administration by notables reaches its limits – today, even in England.’<sup>59</sup> A professional civil service was required, and as it developed so the need evaporated for extra-governmental agencies like the Social Science Association, which had forced the pace in the absence of any competent bureaucratic authority somewhat earlier. Permanent officials working to defined civil service conventions took the place of specialists who, in the preceding, less-regulated environment, had been able to transmit ideas to government from outside the administration.<sup>60</sup> Many of those ideas had originated in expert societies like the Social Science Association. The SSA was called into being before Britain began the construction of something approaching the Weberian ‘ideal-type’ bureaucracy. It expired once a modern bureaucracy had won acceptance and arrogated to itself the tasks of enquiry and policy-formation hitherto attempted by this ‘alternative parliament’.<sup>61</sup> The SSA should not be conceived as just another Victorian pressure group, therefore. The latter continued to be organised and to press their particular interests on government as a professional bureaucracy emerged at the end of the century; indeed, they probably increased in number and sophistication.

<sup>57</sup> *Ibid.*, 228.      <sup>58</sup> *Ibid.*, 235.      <sup>59</sup> *Ibid.*, 214.

<sup>60</sup> Jill Pellew, ‘Law and Order: Expertise and the Victorian Home Office’ in MacLeod (ed.), *Government and Expertise*, 66, 71–2. Seán McConville, *English Local Prisons 1860–1900. Next Only to Death* (London and New York, 1995), 7.

<sup>61</sup> For further discussion of this point see ch. 12 below, pp. 349–67.

In contrast, the SSA had cherished wider aims and sought broader influence as a shadow to government rather than a vehicle for a cause at a time when the official civil service was haphazard in its organisation and when social questions were handled by non-specialists if handled at all.

Weber also saw an intrinsic tension in the modern state between the rise of bureaucratic authority and the growth of democracy. They had both challenged the rule of the notables, but democracy, by its very nature, would seek to minimise 'the authority of officialdom in the interest of expanding the sphere of influence of "public opinion"'.<sup>62</sup> If democracy could not tolerate an aristocracy of birth, neither could it accept the claims of an aristocracy of talent. This impediment to efficient, skilled public administration was of particular concern in the 1850s and 1860s to another theorist of the modern period, John Stuart Mill. Weber provides an overarching structure that helps, in general terms, to explain the emergence and function of the Social Science Association. Mill, on the other hand, articulated the specific problem of the age and so helps to place the Association in the more immediate context of mid-Victorian debate. For at exactly the time that the SSA was created Mill was struggling with the problem of how to secure efficient and knowledgeable administration in a state still subject to the whims of a poorly trained and ill-informed aristocracy and increasingly coming under the influence of an uneducated democracy: neither understood the imperative for skilled public administration. These concerns fill his essay on *Representative Government* and led Mill to embrace various schemes for the reform of the electoral system, parliament, and the bureaucracy. They also explain his membership of and attendance at meetings of the Social Science Association where expert opinion was prized and schemes to entrench it in national institutions, such as those promoted by Mill's associate, Thomas Hare, were debated and encouraged.<sup>63</sup>

## VI

According to Mill, the Social Science Association was 'a means of gaining adhesions to important practical suggestions fitted for immediate adoption'.<sup>64</sup> Its utility attracted a host of influential mid-Victorians to attend its meetings, but this very feature has encouraged its denigration in recent literature on the history of sociology. In an influential article

<sup>62</sup> Gerth and Mills (eds.), *From Max Weber*, 226. <sup>63</sup> See ch. 9, iii, below.

<sup>64</sup> J. S. Mill to Thomas Hare, 6 Aug. 1859, *Later Letters of John Stuart Mill*, xv, 632–3.

and book that were published in 1968 and which reflect the political and academic fashions of that period in their assault on various forms of British parochialism, Perry Anderson saw the SSA as an example of a native empiricism which apparently frustrated the development of 'any general theory of society' in nineteenth-century Britain, and Philip Abrams claimed that it was 'critical in frustrating the growth of sociology in the mid-nineteenth century'.<sup>65</sup> The Association was intellectually impoverished, lacking 'any developed concept of the social system, any extended or general analysis of structured interactions between individuals or classes, any theory of the social basis of the state'. Its political and bureaucratic focus illustrated the Victorian diversion of social-scientific talent 'away from social analysis and research and towards administration, party politics, or one or another kind of institutional innovation'. Thus the performance of 'administrative and intelligence functions for government soaked up energies which might have gone toward sociology had such opportunities not been there'.<sup>66</sup>

Abrams claimed that faith in unicausal social explanations among the 'ameliorists' of the Social Science Association was indicative of its intellectual deficiencies. It is somewhat unfortunate that the example he chose to prove this point – the endorsement of temperance as the universal solution for social dislocation – was wide of the mark.<sup>67</sup> For as this book shows in its penultimate chapter, the Association fought a long and bruising campaign to keep the temperance reformers out of its meetings and refrained from endorsing any of their schemes. Far from capitulating to the single-issue 'crotchets' of the age, the SSA tried to hold to a style of rigorous, expert, and scientific investigation explicitly opposed to universal and moralistic panaceas. The reconstruction in the second part of this book of some of the complex and technical debates in the organisation, and the very breadth of its interests, may in any case strike the reader as sufficient evidence that the Association, whatever its other faults, can be accused neither of tunnel vision nor of lacking intelligence and sophistication.

The more general weakness with these arguments is their failure to appreciate the roots of sociological thinking in the tradition of nineteenth-century positivism. Positivism not only denoted the belief that social knowledge could be assimilated and organised on the model of natural science but that, properly understood and synthesised, it would inevitably

<sup>65</sup> P. Anderson, 'Components of the National Culture', *New Left Review*, 1 (1968), 13n; Abrams, *Origins of British Sociology*, 44.

<sup>66</sup> Abrams, *Origins of British Sociology*, 48, 148–9, 4–5. <sup>67</sup> *Ibid.*, 42–4.

provide a basis for social reform. Nor did it make an implicit division between the gathering and sifting of social data and social theory. The latter, it was believed, would follow on from the former: only investigate and count and the essential relationships between social phenomena would become clear. The Social Science Association was an example of a crude but insistent faith, characteristic of the mid-nineteenth century, that social science would form the basis for enhanced social administration. If later developments have seen the creation of academic social sciences independent of the imperatives of social betterment, science and reform were closely intertwined in the minds of the experts and in the general consciousness of a popular scientific culture then at its zenith. The argument that the routine tasks of social administration filled the space that might otherwise have been available to sociology is superficially attractive but not easy to sustain on close examination of the intellectual culture of this period where science and reform marched together – in the thought of Mill as much as in the debates of the SSA.<sup>68</sup> As has recently been argued, ‘the formulators of new social knowledge often saw themselves as simultaneously advancing new findings about societal problems *and* logical recommendations for reorientations of public policy’.<sup>69</sup>

Nor is it appropriate or historically accurate to present British empiricism as aberrant and exceptional. For as this book demonstrates, the Social Science Association was internationally renowned as a model for the organisation and application of social knowledge and emulated in Europe, the United States, and further afield still. Its very success in gathering together the intelligence and experience of the nation and bringing it to bear on government was attractive to similar liberal constituencies in other countries. And, as this book argues, it was their very failure to replicate this model successfully in their own societies which led to the ‘academicisation’ of social science in the United States and Germany: its relocation from the public platform to the university lecture hall was evidence of its marginalisation when conceived as a type of public practice.<sup>70</sup> From the vantage point of the present and the disciplinary organisation of our age, the SSA may appear aberrant, its attempt to unite science and reform strangely at odds with our divisions between academic and political practices. But if the past really is another country

<sup>68</sup> For a fuller discussion of these themes see ch. 10 below, pp. 293–320.

<sup>69</sup> D. Rueschemeyer and T. Skocpol, ‘Conclusion’ in D. Rueschemeyer and T. Skocpol (eds.), *States, Social Knowledge and the Origins of Modern Social Policies* (Princeton, 1996), 304.

<sup>70</sup> See ch. 11 below, pp. 321–45.

where they do things differently the historian must respect and try to explain that difference rather than project backwards from the present and decry the results. The third part of this book attempts to do this by recreating the context which gave rise to mid-Victorian social science and examining its influence in other contemporary societies and their institutions.

## VII

Since the 1970s the history of social policy and the state has lost its place at the heart of modern British historiography, in part as a result of a natural swing towards other and more immediately relevant subjects.<sup>71</sup> Yet arguments over the relationship of the state to civil society, the effect of specific social policies, and the struggle on the part of different interests to shape those policies, remain as central to contemporary British politics – and as acute – as ever. This book, exploring debates on social policy more than a century ago, may surprise readers: while the issues have changed and the scale of intervention has massively expanded, the process of policy formation and the interplay between the different interests involved may not seem very far removed from similar processes today. However, this does not imply that a study of the Social Science Association can be assimilated into that earlier historiographical tradition now known, somewhat disparagingly, as ‘Welfare State History’ by which historians of the post-war generation set about a whiggish reconstruction of the history of social welfare from Bentham to Beveridge.<sup>72</sup> The SSA was not a stepping-stone on this route. Its focus was not on social welfare and humanitarian reform but on rational and effective public administration. It was entirely removed from the redistributionary policies of the twentieth century. It sought to make the agencies of the state more effective and efficient rather than to extend their competence – though as is argued at the end of the second section of this book, its efforts to achieve the former had the unintended consequence of promoting the latter.<sup>73</sup> Above all, as the case-studies on its engagement with penal policy, secondary education, and trade unionism make clear, it was devised and created by the Victorian middle classes to protect *themselves* rather than assist the needy

<sup>71</sup> D. Cannadine, ‘Penguin Island Story: Planning a New History of Britain’, *Times Literary Supplement* (12 March 1993), 5.

<sup>72</sup> D. Cannadine, ‘Welfare State History’ in D. Cannadine, *The Pleasures of the Past* (London, 1989) (1997 edn), 172–83 and ‘British History: Past, Present and Future?’, *Past and Present*, 116 (1987), 173–5.

<sup>73</sup> See ch. 9, i, below.

and raise up the weak. And far from establishing itself in the pantheon of institutions generally associated with the rise of modern welfare, the Social Science Association was forgotten very rapidly after its demise, apparently having no influence over the 'new liberals' of the 1890s and 1900s who began welfare politics in Britain.<sup>74</sup> If such an unusual and singular institution is to be placed in any context, it is as part of a tradition of organisations and projects to collect and consider social knowledge. It is more obviously a component of the history of social research and social debate than of the history of state welfare. The aim of this book, in any case, is not to assimilate the Social Science Association into the history of welfare and project forward to the present but to understand its contribution to the mid-Victorian period and assess those years afresh in the light of this contribution – though features of the Association which have a universal significance rather than a particular relevance have not been ignored.<sup>75</sup> When the SSA disbanded in 1886, *The Times*, which had often been its antagonist, was fulsome in its tribute: 'Not a single amendment in law, police, education and the art of national health has ever been carried into effect which had not first been inculcated in season and out of season by the Social Science Association.'<sup>76</sup> This book seeks to understand the Association's contribution to its age and the process of 'inculcation' itself by reconstructing the work of the SSA in the political, administrative, and intellectual contexts of the time.

#### VIII

It is divided into four sections. In the first, the Association's origins in the 1850s are related to the high-political stasis of that decade, which impeded social reform, and to the emergence of a new popular political culture that brought provincial liberalism into communication with the Liberal party in parliament. The Social Science Association mediated between these spheres and offered an opportunity to leaders who had emerged from a traditional, closed political world of reinforcing their authority on the basis of platform oratory and popular esteem. In the second section, the major divisions which structured the SSA's work are examined in turn, taking from the history of each of the Association's five 'departments' – law amendment, prevention and repression of crime, public health, social economy, and education – a representative issue which throws light upon the Association's policies, its place in national

<sup>74</sup> See ch. 12 below, pp. 363–5.

<sup>75</sup> See Conclusion below, pp. 372–7.

<sup>76</sup> *The Times*, 22 April 1886, 9.

debates and its methods of ‘inculcation’.<sup>77</sup> Each of the case-studies has been chosen because of the importance of the issues to the Association and because these questions were of national significance, but it must be understood that the SSA dealt with many more subjects than can be presented here. It took an interest in, and monitored, almost every notable mid-Victorian social institution: the case-studies have been chosen specifically to show how the Association operated and how it was able (and sometimes unable) to affect national policy.<sup>78</sup> A final chapter in this section draws out conclusions from these studies in regard to three important issues: the SSA’s attitude to the state and state intervention, the manner in which Victorian social policy was made, and the nature and place of expertise in mid-Victorian society. Overall, the focus in this second section is on the variety of factors – class and group interest, ideology, professional authority, public opinion, bureaucratic activism, and parliamentary government among them – which combined in differing ways in the making of Victorian social policies. The third section examines the Association’s understanding and practice of ‘social science’, first in the domestic context of the popularisation of natural science and scientific methods in mid-Victorian Britain, and then in an international context, comparing the Social Science Association to similar institutions in societies where academic sociology was much more successfully institutionalised than in nineteenth-century Britain. Using the comparative method the interplay of science, reform, and politics in the mid-Victorian era may be better understood. A final section explains why the SSA began to lose influence from the 1870s as the settled social and political structures which had given rise to the Association in the 1850s began to dissolve and as the late-Victorian state began to extend its competence, rendering a voluntary association superfluous.

<sup>77</sup> Women’s issues were discussed in all the Association’s sections but their legal position, especially their entitlement to hold property in marriage, was the most important women’s question addressed. This was a focus of the Department for Law Amendment and is taken here to represent it.

<sup>78</sup> Had space allowed, two further issues would have been examined: the SSA’s debates on pauperism and destitution and its consideration of technical aspects of legal reform, including procedural questions and the structure of the English courts. In the case of the former, though the Association’s debates foreshadowed thinking on poverty in the 1880s, they did not lead to interaction with government and legislative change – a major concern of this study as a whole – and they have been discussed elsewhere (see Yeo, ‘Social Science and Social Change’, 278–304, and Hennock, ‘Poverty and Social Theory’, 76–8). In the latter case, the work of the Law Amendment Society, from which the SSA emerged, is discussed in chapter 1, and provides evidence of the characteristic issues of legal reform taken forward by the Association’s Law Amendment Department.



At the point when this decline became evident the *Daily News*, the voice of hard-headed metropolitan Liberalism, reviewed two decades of the Association's endeavours and concluded that:

A fair and dispassionate historian of its work would see that the roots of many important reforms were to be found in it; that it had been instrumental in helping the cause of law reform; that the claims of sanitary reform had been pressed by it upon the legislature; that it had diffused right ideas as to prison discipline; and that some of the most important and valuable legislative measures of our time have originated in or been influenced by discussions in the Social Science Congress.<sup>79</sup>

<sup>79</sup> *Daily News*, 20 Sept. 1877, 4–5.



PART I

*Politics*



## CHAPTER I

### *The origins of the Social Science Association: legal reform, the reformation of juveniles, and the property of married women in 'the Age of Equipoise'*

#### I

On 12 October 1857, 'between five and six thousand' people crowded into the Birmingham Town Hall to hear the inaugural address delivered by Lord Brougham at the first congress of the Social Science Association.<sup>1</sup> Lord John Russell, formerly prime minister, seconded by William Cowper, President of the Board of Health, then moved the resolution inaugurating the new organisation.<sup>2</sup> The meeting was attended by 'a large number of the gentry, bankers, merchants and manufacturers of the town and district'. Representatives of the various groups from which the SSA had been constructed sat on the platform, flanked by sundry members of parliament and other worthies. They included Charles Kingsley, Joseph Sturge, Edwin Chadwick, John Simon, and Thomas Southwood Smith.<sup>3</sup> Letters of apology were read from, among others, Lord Shaftesbury, Sir James Kay-Shuttleworth, and F. D. Maurice, who would all assume their places at the Association in subsequent years.<sup>4</sup> The celebrated African explorer, Dr Livingstone, was present for the Mayor's banquet some days later.<sup>5</sup> The aged Robert Owen drifted through the events of the week, a link with a very different tradition of 'social science' and an earlier, more troubled age.<sup>6</sup>

For six days hundreds of people in dozens of meetings deliberated on the social condition of the nation. 'So numerous were the papers to be read, and so lively and prolonged the discussion' that the sessions overran and required an extra morning.<sup>7</sup> The soirée on the second evening 'was one of the largest and most successful reunions ever held in Birmingham', attracting 'the entire elite of the town and vicinage'.<sup>8</sup> According to Mark

<sup>1</sup> Brougham, 'Inaugural Address', *T.1857*, 10-27; *Law Magazine and Law Review* (London), 4 (1857-8), 145.

<sup>2</sup> *T.1857*, xxix.     <sup>3</sup> *Birmingham Daily Press*, 13 Oct. 1857, 2.     <sup>4</sup> *Ibid.*, 13 Oct., 2.

<sup>5</sup> *Ibid.*, 15 Oct., 3.     <sup>6</sup> See ch. 10.     <sup>7</sup> *The Times*, 17 Oct. 1857, 7.

<sup>8</sup> *Birmingham Daily Press*, 14 Oct. 1857, 3.

Pattison, the influential Oxford don, 'everyone whose presence was indispensable was there. There was enough of good speeches, and enough, and more than enough of good papers. There were intelligent, interested and participant audiences.'<sup>9</sup> The satisfaction of Lord Stanley, son of the leader of the Conservative party, the fourteenth earl of Derby, and a rising star in politics in his own right, with discussions in which 'the mean between general declaration and merely professional detail was well observed',<sup>10</sup> caught the tone and the object of the new organisation: to create a popular forum for the discussion of social issues previously the preserve of specialists. As one review concluded, 'Seldom has any scheme drawn together such a concourse of the best men of the country, of all shades of opinion and engaged in all the various efforts for social usefulness.'<sup>11</sup>

The press gave the Association a guarded welcome, marvelling at its scale, speculating on what its formation said about Britain, but wondering if it would ever get beyond mere talk. Though *The Times* gradually softened, it began critically, treating the congress as a diversion from the real issue of the season, the Indian Mutiny.<sup>12</sup> The *Morning Post*, from a position in the centre of the political spectrum, believed it marked the start of 'a memorable epoch in the history of human improvement'.<sup>13</sup> The Conservative *Morning Herald* described the congress as 'brilliant' but was critical when Brougham mentioned parliamentary reform.<sup>14</sup> Some of the Liberal papers, conversely, were concerned that social improvement should not divert attention from political change.<sup>15</sup> According to the *Birmingham Daily Press*, 'We can never have social progress until we obtain a more just distribution of political rights . . . Depend upon it we must reform the Parliament before the Parliament will reform us.'<sup>16</sup> It owed something to the work of the Social Science Association that by the time of its demise the distinction being made between strictly political and social reform had narrowed if not disappeared. The absence of working-class participants was noted and there were requests that they

<sup>9</sup> [Mark Pattison] 'The Birmingham Congress', *Fraser's Magazine*, 56 (Nov. 1857), 619.

<sup>10</sup> Stanley, 'Notes Taken During the Year 1857, vol. 2nd', 12–17 Oct. Papers of the fifteenth earl of Derby, non-official correspondence, 920 (DER) 15, Derby MSS, Liverpool Record Office.

<sup>11</sup> *Law Amendment Journal*, 2 (1856–7), 154. (The *LAJ* was the organ of the Law Amendment Society between 1855 and 1858. Between 1858 and 1860 it was published as *Transactions of the Law Amendment Society*. Thereafter until 1863 it was published irregularly. The complete run is in the Middle Temple Library, London.)

<sup>12</sup> *The Times*, 13 Oct. 1857, 6. See also *Daily News*, 14 Oct. 1857, 4.

<sup>13</sup> *Morning Post*, 14 Oct. 1857, 4.

<sup>14</sup> *Morning Herald*, 15 Oct. 1857, 4; 17 Oct. 1857, 3.

<sup>15</sup> *Daily Telegraph*, 14 Oct. 1857, 3.

<sup>16</sup> *Birmingham Daily Press*, 13 Oct. 1857, 2.

be invited to take part in future.<sup>17</sup> Significantly, within days of the end of the first congress, a meeting was held in Birmingham 'for the purpose of reorganising the agitation on behalf of the People's Charter' at which the hypocrisy of employers who preached philanthropy at the congress but exploited their workmen was denounced.<sup>18</sup> It was an early indication that an essentially bourgeois organisation based on aristocratic leadership would have difficulty assimilating the working classes in its reforming coalition.

## II

The National Association for the Promotion of Social Science was founded on 29 July 1857 at a meeting of forty-three persons at the London home of Lord Brougham in Grafton Street. Its objects were there defined: 'to unite together as far as possible the various efforts now being made for the moral and social improvement of the people'. Its organisation was 'suggested both by the objections at present made to any fragmentary exertions . . . and by the necessity for mutual assistance among those engaged in furthering common objects'. The association was to be modelled on the British Association for the Advancement of Science: 'the great interest felt of late years in subjects of moral and social science led naturally to the same union among their promoters as a similar interest for physical science had originated the British Association'. After a deputation from Birmingham offered the city as a venue it was agreed to hold the inaugural meeting there in October. The 'National Association for the Moral and Social Improvement of the People' as it was then called made Brougham its president and appointed a young lawyer and aspiring politician, George Woodyatt Hastings, as its general secretary.<sup>19</sup> During the following weeks the 'National Association for the Moral and Social Improvement of the People', originally the 'National Association for Law Amendment', became the 'National Association for the Promotion of Social Science'. Significantly, the name gave difficulty, both before and after the inauguration.<sup>20</sup>

<sup>17</sup> *Ibid.*, 17 Oct. 1857, 2.

<sup>18</sup> *Ibid.*, 27 Oct. 1857, 3. Russell had written to Brougham of 'an absurd notion spread about among the Chartists of Birmingham that you wish by raising social questions to keep off the extension of the suffrage!'. Russell to Brougham, 1 Oct. 1857, Brougham papers (hereafter B MSS), University College, London, B MSS, 10995.

<sup>19</sup> 'Minutes of a Private Meeting held at Lord Brougham's Residence, 4 Grafton Street, Bond St., on Wednesday the 29th day of July 1857', G. W. Hastings collection, Leeds.

<sup>20</sup> G. W. Hastings to Henry Peter, Lord Brougham and Vaux, 5, 7 Oct. 1856, B MSS, 35550, 36301.

The meeting at Brougham's house is important not only for what was said, but also because of the identity of those who said it. They comprised 'an extraordinarily distinguished group of public figures interested in social reform'.<sup>21</sup> Of the forty-three present, twenty-eight were men and fifteen were women. Their different backgrounds and affiliations help define the Association as a forum for mid-Victorian professionals and reformers who, among other issues, supported the cause of women's legal and social emancipation.<sup>22</sup>

At its head was Lord Brougham himself, the essayist who had established the *Edinburgh Review*, the lawyer who had defended Queen Caroline, an outstanding Whig parliamentarian, and a link with an older, heroic age of reform in which he had played his part in causes like anti-slavery, popular education, commercial reform, and the extension of the suffrage. When Disraeli wrote to congratulate him after the Association's inauguration he remarked that 'it recalled old times'.<sup>23</sup> Brougham had been Lord Chancellor between 1830 and 1834, piloting the Reform bill through the House of Lords. He then drifted from party politics into an independent position, concerned especially with legal reform, though his popularity endured and ensured that the Social Science Association was noticed immediately.<sup>24</sup> He was joined at the meeting by Viscount Ebrington MP, an earnest, evangelical Whig public health reformer since the 1840s with a highly developed sense of public duty;<sup>25</sup> the Liberal MPs Samuel Whitbread and George Hadfield; the moderate Conservative MPs Lord Alfred Churchill and Charles Bowyer Adderley; William Farr, the great statistician from the General Register Office; John Simon, the key administrator in the mid-Victorian public health bureaucracy; William Newmarch the businessman, statistician, and political economist; the Revd Sydney Turner, the first inspector of reformatory schools for young offenders; Samuel Courtauld, the prominent dissenter and textile magnate; Sampson Lloyd, son of the banker Samuel Lloyd of Birmingham, and founder of the Institution of Mechanical Engineers in that city in 1847; John Gassiot, a founder of the Chemical Society in 1847;

<sup>21</sup> M. W. Flinn, 'Introduction' in Alexander P. Stewart and Edward Jenkins, *The Medical and Legal Aspects of Sanitary Reform* (1866) (Leicester, 1969 edn), 21.

<sup>22</sup> 'Persons present at a Private Meeting at Lord Brougham's House in Grafton St., 1857', autographed list, G. W. Hastings collection, Leeds.

<sup>23</sup> 26 Oct. 1857, B MSS, 35613.

<sup>24</sup> Frances Hawes, *Henry Brougham* (London, 1957); Chester New, *Life of Lord Brougham to 1830* (Oxford, 1961); Robert Stewart, *Henry Brougham 1778-1868. His Public Career* (London, 1985).

<sup>25</sup> Peter Mandler, *Aristocratic Government in the Age of Reform. Whigs and Liberals 1830-1852* (Oxford, 1990), 226, 269-71.



William Hawes, chairman of the Council of the Royal Society of Arts; Dr Robert Dunn, surgeon and vice-president of the Anthropological Society; James Gilbert, an influential banker; William Forsyth, a barrister, man of letters, and personal friend of Brougham; Professor John Abdy, Regius Professor of Civil Law in the University of Cambridge; Herbert Broom, Reader in Common Law at the Inner Temple; Charles Ratcliff, a banker and a barrister at Lincoln's Inn, whose brother, Sir John Ratcliff, was Mayor of Birmingham in 1857; J. T. Bunce, editor of *Aris' Gazette* and then of the *Birmingham Daily Post*; Andrew Edgar and Alfred Hill, barristers; and 'Mr Roche', probably E. B. Roche, MP for County Cork until April 1855.

The fifteen women included Barbara Leigh Smith Bodichon, the illegitimate daughter of Benjamin Smith, Liberal MP for Norwich, who had recently led the women's campaign for a Married Women's Property Act; her close friend, Bessie Rayner Parkes, who was emerging as a leader of women's causes; Bessie's mother, Elizabeth Parkes, the granddaughter of Joseph Priestley, the chemist, and wife of Joseph Parkes, the associate of Jeremy Bentham and Brougham; Emily Taylor, a popular writer; Anna Swanwick, a translator and author active in women's higher education; 'J. Martineau', probably Jane (Jenny) Martineau, daughter of Harriet Martineau's brother, Robert; Louisa Goldsmid, wife of Sir Francis Goldsmid, the first Jewish barrister and Liberal MP for Reading from 1860; Elizabeth Jesser Reid, a founder of Bedford College for women in London, and her sister Miss Sturch; Mary Howitt, the popular writer; Anna Blackwell, probably the sister of Elizabeth Blackwell, the first female doctor in the United States, who also practised in Britain; and Sarah Austin, wife of the famous jurist, John Austin, who was herself a translator of French and German literature.<sup>26</sup> There were letters of apology from Viscount Goderich and Edward Akroyd, both MPs, and the sanitarian, W. A. Guy. Among others, Lord Stanley was unable to attend.<sup>27</sup>

The presence of Brougham and five MPs indicated that this was to be an organisation with a pronounced parliamentary focus. Two of the great nineteenth-century public administrators, Farr and Simon, had a place, along with notable representatives of nonconformist capital like Courtauld and Lloyd, and a spokesman of the new unstamped provincial press which transformed political life in the mid-century, J. T. Bunce. There were lawyers in profusion. There were two doctors<sup>28</sup>

<sup>26</sup> See Appendix I. <sup>27</sup> Brougham to Stanley, 'July 1857', 920 (DER) 15.

<sup>28</sup> Robert Dunn and Eugene Bodichon. See Appendix I.

(four including Simon and Farr) and the sister of the first female medical practitioner in both Britain and America. There were four full-time female writers, as well as several other women, including Barbara Leigh Smith and Bessie Rayner Parkes, soon to be editor of the *Englishwoman's Journal*, who had made, or would make contributions to the women's movement with their pens. The professional bias of the Association was prefigured, therefore, in many of the persons present.

Yet the significant affiliations for a history of the Association were threefold. There were sixteen members of the Law Amendment Society present, including its president, Brougham, a vice-president, Ebrington, and its secretary, Hastings. There were six members present from the National Reformatory Union, concerned with the rehabilitation of young offenders; they included Brougham, Ebrington, Adderley, and Hastings. The National Reformatory Union and Law Amendment Society shared members and provided the institutional foundation for the larger organisation in 1857. G. W. Hastings was secretary to both and the two bodies were to fuse with the Social Science Association in 1857 and 1863 respectively. The women included six of the twenty-four signatories who sanctioned the petition in favour of a Married Women's Property Act, signed by some twenty-six thousand people, which had been presented to both Houses of Parliament in March 1856 by Sir Erskine Perry MP, and Brougham himself: Anna Blackwell, Mary Howitt, Bessie Rayner Parkes, Mrs Reid, Barbara Leigh Smith, and Miss Sturch.<sup>29</sup> The fifteen women who took part in this meeting were representatives of the first organised feminist movement in Britain, a circle of associates engaged in a campaign for the legal protection of a wife's property who had sought assistance from the Law Amendment Society between 1854 and 1856. They now attended the foundation of the Social Science Association, so prefiguring its function as the most important mid-Victorian forum for women's social emancipation.

The SSA was at the confluence of three mid-Victorian movements: for the reform of the law, largely neglected in histories of this period; for the reformation of juvenile and later adult offenders in opposition to the prevailing retributiveness of popular penal attitudes; and for the legal emancipation and protection of women. By isolating and analysing each of these movements in turn, and relating them to events in 1856–7, two objects may be achieved beyond that of merely describing the

<sup>29</sup> [Caroline F. Cornwallis] 'The Property of Married Women', *Westminster Review*, 66 (July–October 1856), 335. *L47*, 1 (1855–6), 33.

Association's foundation: first, to explain some of the long-term determinants of the SSA's interests and functions, and second, to place the Association in a wider context as new structures – social, party-political, and ideological – emerged from the political instability of the 1850s.

### III

The 'more highly developed social awareness which characterised many mid-Victorian lawyers' was responsible for the emergence of a movement for reform within the legal profession in the period 1840 to 1880.<sup>30</sup> Its most characteristic forum was the Law Amendment Society, founded in January 1844 by James Stewart, a barrister and MP.<sup>31</sup> He was assisted by William Ewart MP, active in the reform of the criminal law and Matthew Davenport Hill, the Recorder of Birmingham and an important influence on penal policy in this period. Brougham presided over the society in recognition of his efforts throughout the 1840s and 1850s 'to keep law reform constantly before the public'.<sup>32</sup> He was the movement's leader and attracted a coterie of reformers, turning their ideas and researches into the numerous bills he introduced in parliament. The Law Amendment Society was 'to promote . . . the careful and cautious improvements of the Law of England'.<sup>33</sup> In the era of 'Jarndyce versus Jarndyce', the Society tried to wrestle with the infamous technicalities and obstructions of the English legal system. It made some progress and in 1852 was wont to describe itself in its own journal as 'one of the Institutions of the Land'.<sup>34</sup> The political instabilities of the mid-1850s coupled with a national preoccupation with foreign affairs reduced its influence, however.<sup>35</sup> Encouraged by Hastings, its secretary, the Society was therefore ready to assist in founding the Social Science Association in 1856–7 as a vehicle for the wider promotion of law reform.<sup>36</sup>

The Society's purpose may be understood from an analysis of the four extant membership lists for 1856, 1858, 1860, and 1863.<sup>37</sup> Its membership

<sup>30</sup> O. R. McGregor, *Social History and Law Reform: The Hamlyn Lectures, 1979* (London, 1981), 15.

<sup>31</sup> F. Boase, *Modern English Biography*, III, 752. *Law Review and Quarterly Journal of British and Foreign Jurisprudence* (hereafter *Law Review*), 18 (1853), 305.

<sup>32</sup> *First Report of the Society for Promoting the Amendment of the Law* (London, 1844); McGregor, *Social History and Law Reform*, 18–19; Sir John Eardley-Wilmot, Bart., *Lord Brougham's Acts and Bills, From 1811 to the Present Time* (London, 1857), li. Michael Lobban, 'Henry Brougham and Law Reform', *English Historical Review*, 115 (Nov. 2000), 1204.

<sup>33</sup> *TLAS* (1857–8), 68. <sup>34</sup> *Law Review*, 15 (1852), 409.

<sup>35</sup> *LAJ*, 1 (1856), 127–8. <sup>36</sup> *Ibid.*, 2, 1857, 153.

<sup>37</sup> *Law Review*, 23 (Feb. 1856), 1–6; *TLAS* (1857–8), 74–8; (1858–60), 19–24; (1860–3), 22–7.

hovered around three hundred. Nearly fifty were MPs and a further fourteen or fifteen were peers. Over eighty of the members were barristers, forty or so were solicitors, and approximately twenty were members of the judiciary. There were representatives of business – commerce rather than industry as this was an essentially metropolitan organisation – and several bankers.<sup>38</sup> Richard Cobden was elected a member in June 1846 after the repeal of the Corn Laws, Chadwick in the following November, and J. S. Mill in January 1859. A significant index of the Society's potential political influence is evident in the number of its members who held government office. In 1856 under Palmerston, ten of its members were in government, three with seats in the cabinet.<sup>39</sup> In Derby's second administration the Society's members included those five Conservative office-holders – Stanley, Adderley, Sir John Pakington, Sir Fitzroy Kelly, and Sir Stafford Northcote – who formed the nucleus of moderate Tory social reform in the period 1846 to 1874 and who would all play roles in the Social Science Association. In 1860–1 under Palmerston again, ten of its members were in government, and in 1863, they numbered eight, though most were in junior positions outside the cabinet. Yet the Society was dominated by practising lawyers: legal reform justified itself in terms of their experience 'of the inconvenience and injustice growing out of the proverbial uncertainties of the law'.<sup>40</sup> It was also an aspect of professional self-regulation and an expression of the profession's social conscience and utility.<sup>41</sup>

The Society was focused on parliament and government, its *raison d'être* to remedy the defects of legislation. When Brougham proposed Stanley for membership of the Society in February 1856, he explained to him that it was 'exceedingly useful . . . as giving the best and quickest means of having any matter that arises in Parl. debated by our Committees, and every matter that is to be postponed, examined. We all who are in Parl. derive great benefit from it.'<sup>42</sup> When he invited Russell to the first SSA congress Brougham boasted that since the establishment of the Society 'dilettante legislation has been nearly at an end'.<sup>43</sup> The Law Amendment

<sup>38</sup> *Law Review*, 15 (1852), 410.

<sup>39</sup> M. T. Baines (Chancellor of the Duchy of Lancaster), the earl of Harrowby (Lord Privy Seal) and Vernon Smith (Pres. of the Board of Control) were in the cabinet. Other members in government were Sir Alexander Cockburn (Attorney General), Sir Richard Bethell (Solicitor General), Robert Lowe, W. N. Massey, Frederick Peel, J. Moncreiff, C. P. Villiers.

<sup>40</sup> [Cornwallis] 'The Property of Married Women', 335.

<sup>41</sup> *Law Review*, 6 (1847), 409–10.

<sup>42</sup> Brougham to Stanley, 4 Feb. 1856, 920 (DER) 15. See also *LAJ*, 1 (1855–6), 8.

<sup>43</sup> Brougham to Russell, 21 Aug. 1857, Russell papers, Public Record Office, London, PRO 30/22 13 D 103–4.

Society was a 'resource' for legal and administrative expertise.<sup>44</sup> It was a 'pioneer to the Legislature'<sup>45</sup> whose committees composed reports as a basis for private members' bills introduced by the Society's affiliates in parliament.<sup>46</sup>

The Society was concerned with broad social reforms as well as more technical questions, though this division would not have been made by mid-century law reformers for whom an effective and cheap system of justice was a prerequisite for any more thorough social regeneration.<sup>47</sup> It focused on issues such as the procedure of the Superior Courts, advocating from the early 1850s the fusion of legal and equitable jurisdictions achieved in the Judicature Acts of the 1870s; the reform of the Court of Chancery;<sup>48</sup> the reform of the law of evidence; and the appointment of a public prosecutor. During a period when the obscurity and inaccessibility of English law became a public issue, the LAS called for the consolidation and codification of statute and common law.<sup>49</sup> It sought improvements in legal education, favouring the establishment of a metropolitan 'law university'.<sup>50</sup> It was concerned also with social improvements, including an easier and cheaper procedure for civil divorce; changes in the regime for juvenile criminals; reform of the laws of partnership and bankruptcy; and reform of conveyancing to assist the transfer of land, a particular favourite among Cobdenite radicals. As 'the *sine qua non* of Law Amendment', the Society advocated the creation of a Ministry of Justice to prepare bills for presentation to parliament, revise them during their progress, consolidate and amend statute law, and superintend the judiciary.<sup>51</sup> In its absence, as Stewart wrote to Brougham in

<sup>44</sup> For use of this term see J. Morrell and A. Thackray, *Gentlemen of Science. Early Years of the British Association for the Advancement of Science* (Oxford, 1981), 96.

<sup>45</sup> *Ninth Annual Report of the Council of the Law Amendment Society* (London, 1852), 7.

<sup>46</sup> Brougham, 'Inaugural Address', *T.1857*, 19.

<sup>47</sup> *Seventeenth Annual Report of the Council of the Law Amendment Society* (London, 1860), 12.

<sup>48</sup> 'Fifth Annual Report of the Council' (1848), *Law Review*, 8 (1848), 239. Dickens made the Court of Chancery notorious, but the Law Amendment Society was even more outspoken: 'Bleak House, with all its colourings can never rise to the realities of distress which have worn away the spirit of the client sickened by false hope.' *Law Review*, 18 (1853), 311.

<sup>49</sup> *Ninth Annual Report of the Council* (London, 1852), 14.

<sup>50</sup> James Stewart, 'A Project for the Establishing of a Law School, Submitted to the Council... March 30 1849' in *Law Amendment Society. Miscellaneous Reports, 1844-1859*, 1, Lincoln's Inn Library, London. C. W. Brooks and M. Lobban, 'Apprenticeship or Academy? The Idea of a Law University 1830-1860' in J. A. Bush and A. Wijffels (eds.), *Learning the Law: Teaching and the Transmission of English Law 1150-1990* (London, 1999), 353-82.

<sup>51</sup> *Law Review*, 8 (1848), 246. Stewart to Brougham, 9 June 1845, B MSS, 36213. Brougham to Hastings, 27 June 1856, Hastings collection, Leeds. A. H. Manchester, *A Modern Legal History of England and Wales 1750-1950* (London, 1980), 106-10.

April 1851, 'the Society does now perform the functions of a Ministry of Justice'.<sup>52</sup>

A year before it merged with the SSA, 'the parallelism . . . exhibited between the concurrent transactions of the society and the proceedings of the legislature' was noted approvingly.<sup>53</sup> Claims of influence must be treated carefully, however: we should expect organisations like the Law Amendment Society to exaggerate their impact and claim paternity over measures that many other groups and lobbies worked for simultaneously, and some of which had long been thought desirable. The 'parallelism' of the report of its Ecclesiastical Law Committee in 1848 and the 1857 Divorce Act was one example of its influence. The Society also claimed the credit for the Documentary Evidence Act of 1845 and the Common Law Procedure Acts of 1852–4.<sup>54</sup> At other times the Society claimed as its own the procedural reforms of land law in the 1840s and early 1850s,<sup>55</sup> the acts to assimilate the mercantile laws of England, Scotland, and Ireland following the Society's Mercantile Law Conference of 1852,<sup>56</sup> improvements to the law and procedure governing patents,<sup>57</sup> and the Court of Chancery Act of 1852.<sup>58</sup> It also laid claim to an extensive role in reform of commercial law in the mid-1850s, culminating in the Joint Stock Companies Act of 1856, the advent of modern 'limited liability'.

This last measure may stand as an example of the Society at work. The legislation was the responsibility of Robert Lowe, an active member of the Society until the early 1850s and amenable to its schemes thereafter, who was appointed Vice-President of the Board of Trade in August 1855.<sup>59</sup> He worked closely in the winter of 1855–6 with two great civil servants, Henry Thring, 'the most accomplished drafter of bills in mid-Victorian England', and Thomas Farrer, both of whom were members of the LAS.<sup>60</sup> Thring composed the bills and in February 1856 Lowe

<sup>52</sup> Stewart to Brougham, 18 April 1851, B MSS, 12689.

<sup>53</sup> *TLAS* (1860–3), 17 Nov. 1862, 2. <sup>54</sup> *Ibid.*, 2–3.

<sup>55</sup> 'Third Annual Report of the Council', *Law Review*, 4 (1846), 447; 'Sixth Annual Report of the Council', *Law Review*, 10 (1849), 449; 'The Law Amendment Society: Its Progress and Prospects', *Law Review*, 15 (1852), 419–21.

<sup>56</sup> *Thirteenth Annual Report of the Council*, June 16 1856, 7; *LAL*, 1 (1855–6), 6, 37. Delegations from the Society to Derby and Aberdeen, successive prime ministers in 1852–3, led to a Royal Commission and subsequent legislation.

<sup>57</sup> Frederic Hill, *An Autobiography of Fifty Years in Time of Reform* (London, 1894), 296–7.

<sup>58</sup> *Ninth Annual Report of the Council 1852* (London, 1852), 3.

<sup>59</sup> Stewart to Brougham, 29 Nov. 1852; Hastings to Brougham, 24 June, 27 Nov. 1856; B MSS, 15146, 13051, 13064.

<sup>60</sup> James Winter, *Robert Lowe* (Toronto, 1976), 96. H. A. Shannon, 'The Coming of General Limited Liability', *Economic History*, 2 (1931), 267–91. G. R. Searle, *Entrepreneurial Politics in Mid-Victorian Britain* (Oxford, 1993), 187–93.

introduced them. The LAS had a longstanding interest in the issue: in 1851 it had recommended the principle of limited liability, and in November 1852 it organised 'a conference on the assimilation and improvement of mercantile law' which drew delegations from industrial and commercial centres to discuss this and other legal questions affecting business.<sup>61</sup> The LAS had objected by deputation to the original legislation proposed by the Board in the summer of 1855.<sup>62</sup> On the introduction by Lowe of the Joint Stock Companies Bill and the Partnerships Bill, it appointed a group to review the reforms. 'Exceptions were taken . . . to some points in both measures, which have since been greatly modified.' Notably, Lowe acceded to the Society's view that the winding-up of joint stock companies with limited liability should be the responsibility of the Courts of Bankruptcy.<sup>63</sup> Parliament was notoriously confused by the complexities involved in these measures; the Society could justifiably claim that 'in no other room in London, probably, could the subject have been so fully discussed in all its bearings'.<sup>64</sup> By the summer of 1856 it had 'so many mercantile members' that it considered establishing a separate 'London Commercial Committee'.<sup>65</sup> It bequeathed to the Social Science Association an expertise in commercial law which allowed the Association to make important contributions to the reform of bankruptcy and to debates over patent reform in its early years.<sup>66</sup>

The Society claimed many legislative successes, but made no distinction between substantive influence, at its most obvious when one of its members introduced a bill from one of its reports, and, in its own terms, 'parallelism', where the Society was in accord with parliamentary opinion. It is also difficult to determine on which occasions its members spoke and acted as representatives of the Society, as opposed to affiliates of another group.<sup>67</sup> Nevertheless, it developed the techniques of political and administrative influence that the Social Science Association was later to employ. It was not just a component part of the emergent Association, therefore; rather, the Association was an extension of the Society, seeking to popularise law reform, divest it of its technical connotations, and apply a more broadly based influence on government. Throughout its short history the LAS appealed to other groups – especially businessmen who

<sup>61</sup> *Tenth Annual Report of the Council*, 1853, 3.

<sup>62</sup> 'Report of the Deputation to the Board of Trade' 16 June 1855, *Law Review*, 22 (1855), 399–414.

<sup>63</sup> *Thirteenth Annual Report of the Council* (London, 1856), 5. <sup>64</sup> *LAJ*, 1 (1855–6), 6.

<sup>65</sup> Hastings to Brougham, 24 June 1856, B MSS, 13051.

<sup>66</sup> Searle, *Entrepreneurial Politics*, 176–7, 186.

<sup>67</sup> 'Fifth Annual Report of the Law Amendment Society', *Law Review*, 8 (1848), 254.

could supplement its funds and who stood to gain from its advocacy – in order to create a reforming coalition.<sup>68</sup> When the social investigator and editor of the *Morning Chronicle*, Henry Mayhew, applied for membership, he explained that had he ‘been aware that it embraced professions unconnected with the law I should long ago have joined the ranks’.<sup>69</sup> The Society could point to influence over parliament, but always in the absence of popular recognition and support: ‘The great difficulty we have always felt has been in inducing the public to take an interest in the important subject to which our labours are devoted.’<sup>70</sup> This became the task of the Social Science Association. As Hastings wrote to Brougham after its inaugural congress, ‘law reform can be made popular, and . . . among the public generally we shall find our warmest supporters; but we must go to them, they will not come to us’.<sup>71</sup>

It has been argued that over the past two centuries law reform only achieved prominence in the mid-nineteenth century. Though the movement traced its lineage back to the aegis of Bentham, to the efforts earlier in the century of Romilly, Mackintosh, and Peel in the reform of the criminal law, and to Brougham’s great speech on law reform in the Commons in February 1828, it gained recognition only in the early 1850s, and by the mid-1870s the ‘spirit had virtually disappeared’.<sup>72</sup> In consequence, ‘law amendment’ as an integrated approach to social reform has received little attention, and histories of the Social Science Association written in terms of ‘the Victorian conscience in action’ have effected serious distortions, reducing it to another familiar enterprise in philanthropy and humanitarianism while failing to appreciate its innovative adherence to professionalism and the ‘science of legislation’.<sup>73</sup> The neglect is also a consequence of the law reformers’ failure: judged according to their objectives, their achievements were ‘pragmatic, timorous, piecemeal and largely noncontentious’.<sup>74</sup> The apathy of the majority of the

<sup>68</sup> *Law Review*, 23 (1855), 226. <sup>69</sup> Mayhew to Brougham, 14 March 1856, B MSS, 39977.

<sup>70</sup> *TLAS* (1859–60), 59 (1 March 1860).

<sup>71</sup> Hastings to Brougham, 5 Nov. 1857, B MSS, 13109.

<sup>72</sup> Manchester, *Modern Legal History*, 16–17, 405. See A. H. Manchester, ‘Law Reform in England and Wales 1840–80’, *Acta Juridica*, 1977, 189–202 and ‘Simplifying the Sources of the Law: An Essay in Law Reform’, *Anglo-American Law Review*, 2 (1973), pt i: 395–413; pt ii: 527–50. B. Abel-Smith and R. Stevens, *Lawyers and the Courts. A Sociological Study of the English Legal System 1750–1965* (London, 1967), 79; Lawrence M. Friedman, ‘Law Reform in Historical Perspective’, *Saint Louis University Law Journal*, 13, 3 (1969), 351–72; W. S. Holdsworth, ‘The Movement for Reforms in the Law, 1793–1832’, *The Law Quarterly Review*, 56 (1940), 352.

<sup>73</sup> Lawrence Ritt, ‘The Victorian Conscience in Action: The National Association for the Promotion of Social Science, 1857–1886’ (unpublished PhD dissertation, Columbia University, 1959).

<sup>74</sup> Manchester, ‘Law Reform in England and Wales’, 199–201.



profession; obstruction by the large number of lawyers in the House of Commons; the actions of vested interests in a complex and expensive legal system; reluctance to proceed with statute consolidation when this implied a measure of statute amendment; the division of responsibility between the Home Office and the Lord Chancellor's department; and the personal qualities of successive Lord Chancellors all outweighed the reforming enthusiasm of a minority.<sup>75</sup> But this neglect is also a consequence of an absence of detailed investigations of the social-historical context of Victorian legal institutions.<sup>76</sup> The history of the Social Science Association is not simply an episode in the history of nineteenth-century social policies: it is also 'an almost forgotten chapter in the social history of law-reform in mid-Victorian years'.<sup>77</sup>

IV

The Law Amendment Society was associated with a second component of the Social Science Association, the National Reformatory Union. Penal policy and its reform came under the Society's 'Committee on Criminal Law', which, from 1846, was engaged in a reassessment of theories of punishment.<sup>78</sup> This resulted in Matthew Davenport Hill's important and influential *Draft Report on the Principles of Punishment* which was to guide the reform of the penal system in the next generation and to shape the thinking of the 'reformatory movement' in general and the National Reformatory Union in particular.<sup>79</sup> The two organisations shared a president, Brougham, and a secretary, Hastings. The NRU was given use of the Society's rooms and its affairs were reported in the Society's organ, the *Law Amendment Journal*.<sup>80</sup>

The National Reformatory Union must be set in the context of a re-evaluation of the aims of penal policy during 'the long-drawn-out crisis which accompanied the piecemeal abandonment of transportation' between 1840 and 1867.<sup>81</sup> As Russell explained at the second congress of the Social Science Association in Liverpool in 1858,

<sup>75</sup> Manchester, 'Simplifying the Sources of the Law', 406–7; Abel-Smith and Stevens, *Lawyers and the Courts*, 459–61.

<sup>76</sup> Abel-Smith and Stevens, *Lawyers and the Courts*, v.

<sup>77</sup> McGregor, *Social History and Law Reform*, 16. <sup>78</sup> *Law Review*, 5, 433.

<sup>79</sup> M. D. Hill, *Draft Report on the Principles of Punishment. Presented to the Committee on Criminal Law Appointed by the Law Amendment Society in December 1846* (London, 1847).

<sup>80</sup> *LAJ*, 1 (1855–6), 13, 40. *Thirteenth Annual Report of the Council* (London, 1856), 4.

<sup>81</sup> U. R. Q. Henriques, *Before the Welfare State. Social Administration in Early Industrial Britain* (London, 1979), 180.

It has become a necessity for us to consume our own crime, and not to send it forth to contaminate other parts of the world. Hence it is a problem of the deepest interest to us to ascertain in what manner the thousands of criminals whom we used to send to Australia can be most effectually punished, for the sake of example, and most effectually reformed for their own sake and that of the community.<sup>82</sup>

The reformatory movement believed it had an answer: in Stanley's terms, 'Since you can't get rid of your criminals, you must reform them.'<sup>83</sup> Given the popular prejudice that adult criminals were irredeemable and the knowledge 'that from one-third to one-half of the convicts in our prisons have belonged to the class of juvenile offenders', the logic demanded reform of young offenders. As Stanley put it, 'We cannot dispose of our criminals, we must reclaim them. We have comparatively little hope of reclaiming adults; we deal therefore, preferentially with the young; and, as regards the young, we have it established that the existing systems of attempted reformation have broken down.'<sup>84</sup> The movement also recognised that to incarcerate juveniles with adult offenders and subject them to the same prison regime might well be inhumane and would certainly school them in crime. In the words of one reformer, 'Please God there shall throughout England be no necessity to merely harden a boy by committing him time after time to prison.'<sup>85</sup>

Juvenile crime in the early-Victorian period appeared to contemporaries as a new and intractable problem. It has been explained as a result of rapid population growth and the consequent increase in the numbers of young people – and of their proportion in the population as a whole – in a situation in which new forms of wage labour, in an inherently unstable economy, were eroding settled patterns of domicile, labour, and apprenticeship for the young.<sup>86</sup> There was general agreement that juvenile offenders should be treated in different ways from other criminals, and separated from hardened, adult offenders.<sup>87</sup> The reformatory movement sought to provide a solution in 'reformatories': schools for juveniles convicted of an offence punishable by penal servitude or imprisonment,

<sup>82</sup> 'Opening Address', *T.1858*, 13.

<sup>83</sup> Lord Stanley, 'Inaugural Address', *Report of the First Provincial Meeting of the National Reformatory Union* (London, 1856), 12.

<sup>84</sup> *Ibid.*, 14.

<sup>85</sup> Thomas Barwick Lloyd-Baker, *Report of the Hardwicke Reformatory for 1856 and 1857* (Gloucester, 1858), 4.

<sup>86</sup> Martin J. Wiener, *Reconstructing the Criminal. Culture, Law and Policy in England 1830–1914* (Cambridge, 1990), 17.

<sup>87</sup> Sir Leon Radzinowicz and Roger Hood, *A History of English Criminal Law and its Administration from 1750*. Vol. v: *The Emergence of Penal Policy* (London, 1986), 138.

with a daily regime designed to 'remove the boy from contaminating associations' and 'teach him habits of cleanliness, temperance, industry'.<sup>88</sup> It was dedicated to 'the abolition of simply penal treatment', thus substituting for the treadmill 'industrial training and the prospect of an honest livelihood'.<sup>89</sup>

The 'movement' began in the late 1840s with the foundation of a reformatory school at Red Hill in Surrey in 1849 by the Revd Sydney Turner, assisted by the Philanthropic Society.<sup>90</sup> Red Hill and subsequent reformatories of this period were modelled on a French forerunner, the boys' reformatory at Mettray, near Tours, founded in 1839 by Frederic-Auguste Demetz and visited by many British enthusiasts.<sup>91</sup> Its regime of agricultural labour, basic education, close pastoral care, and religion, was a combination of godliness, fellowship, and hard work likely to recommend itself to Mettray's British admirers.<sup>92</sup> Their accounts of Mettray were encouraging and humane endorsements of a system under which 'the discipline of a school and a family' was substituted 'for that of a prison' in the words of the acknowledged leader of this movement, Mary Carpenter, and bear no relation to the description of Mettray as presented more recently by Michel Foucault.<sup>93</sup> To Foucault, Mettray was the embodiment of the 'carceral system' of the modern prison. It was apparently designed to remodel behaviour by techniques as psychologically terrible as previous systems of punishment were physically brutal. Mettray was 'the disciplinary form at its most extreme', an example of 'the carceral archipelago' of Victorian institutions.<sup>94</sup>

It cannot be denied that the regime at Mettray and in British reformatories was designed to teach habits of self-control. But Foucault's description, which is light on detail, bears no relation to contemporary

<sup>88</sup> Stanley, 'Inaugural Address', 16.

<sup>89</sup> G. W. Hastings, 'Remarks on Article in the Economist', n.d. [Sept. 1856?], B MSS. See Hastings to Brougham, 21 Sept. 1856, B MSS, 13061.

<sup>90</sup> [Revd Sydney Turner] 'Early History of the Reformatory and Industrial School Movement' in 'Report of the Departmental Committee on Reformatory and Industrial Schools', PP 1896, XLV 176–81.

<sup>91</sup> M. D. Hill, *Mettray, The Exemplar of Reformatory Schools* (London, 1855) and *Practical Suggestions to the Founders of Reformatory Schools* (London, 1855). See also M. D. Hill to Brougham, 3 May 1854, B MSS, 8808.

<sup>92</sup> Radzinowicz and Hood, *History of English Criminal Law*, v, 155–61. R. and F. Davenport Hill, *The Recorder of Birmingham. A Memoir of Matthew Davenport Hill* (London, 1878), 159–60. John A. Stack, 'The Provision of Reformatory Schools, the Landed Class, and the Myth of the Superiority of Rural Life in Mid-Victorian England', *History of Education*, 8 (1979), 33–43.

<sup>93</sup> Mary Carpenter, *Reformatory Schools for the Children of the Perishing and Dangerous Classes, and for Juvenile Offenders* (London, 1851), 324. See also Richard Monckton Milnes MP, *T.1859*, 99.

<sup>94</sup> M. Foucault, *Discipline and Punish. The Birth of the Prison* (1975) (1977 edn, Harmondsworth), 293–7.

descriptions of Mettray – even allowing for Victorian values rather different from our own – and to the regimes in British reformatory schools of the 1850s. Some historians, concentrating on the physical experience of the reformatory regime have certainly emphasised the hardships, brutality, and stifling discipline in mid and late-Victorian juvenile reformatories.<sup>95</sup> Others, on the contrary, have presented a quite different picture of the reformatory movement of the 1850s, as embodying a new conception of childhood as intrinsically different from adult experience, and, in consequence, a new sense of the specific needs of children.<sup>96</sup> In this new view, enunciated most effectively by Mary Carpenter, ‘juvenile delinquents’ required different forms of treatment in separate, humane, and reformative institutions designed for their well-being.<sup>97</sup> Work on individual institutions, meanwhile, has provided evidence of day-to-day kindness and of a commitment on the part of staff to do the best for their charges.<sup>98</sup> As might be expected, the range of individual experiences was probably very wide indeed. And there was almost certainly a difference between the humane intentions of the movement in the 1850s and the reality of the daily regime inside reformatories and industrial schools then and later in the century.<sup>99</sup> But even the pessimists, in concentrating on the physical conditions endured, have provided little evidence to support Foucault’s depiction of a new and deliberate psychological punishment.<sup>100</sup>

The reformatory movement was a purely voluntary grouping dependent on the help of wealthy philanthropists to found and fund schools: among many initiatives, in the 1850s Thomas Barwick Lloyd-Baker, a Gloucestershire gentleman, founded a reformatory on his estates at Hardwicke; C. B. Adderley founded one at Saltley, near Birmingham; Joseph Sturge, the soul of mid-Victorian moral reform, founded one at Stoke Farm, near Bromsgrove; and Mary Carpenter was associated with the Kingswood Reformatory in Bristol. The movement organised two initial ‘reformatory conferences’ in 1851 and 1853 in Birmingham which

<sup>95</sup> John Hurt, ‘Reformatory and Industrial Schools Before 1933’, *History of Education*, 13 (1984), 45–58; Stephen Humphries, *Hooligans or Rebels? An Oral History of Working-Class Childhood and Youth 1889–1939* (Oxford, 1981), 209–39. Humphries’ contention that reformatories were ‘institutions of class control’ shows the intrinsic weakness in arguments of this type.

<sup>96</sup> Margaret May, ‘Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century’, *Victorian Studies*, 17 (Sept. 1973), 7–30.

<sup>97</sup> Mary Carpenter, *Juvenile Delinquents: Their Condition and Treatment* (London, 1853).

<sup>98</sup> David Taylor, *Crime, Policing and Punishment in England 1750–1914* (London, 1998), 157.

<sup>99</sup> Hurt, ‘Reformatory and Industrial Schools’, 49; May, ‘Innocence and Experience’, 29.

<sup>100</sup> For an effective response to Foucault see W. J. Forsythe, *The Reform of Prisoners 1830–1900* (London, 1987), 225–30.

were chaired by M. D. Hill (1851) and Sir John Pakington and the earl of Shaftesbury (1853) respectively.<sup>101</sup> The first conference, attended by about fifty people, failed to ignite public interest, though the foundation of more reformatories gained momentum after it.<sup>102</sup> The second conference, attended by more – and more notable – figures, including Cobden and Brougham, garnered greater publicity: three thousand people attended its opening meeting in the Birmingham Town Hall in a rehearsal for the inauguration of the Social Science Association there four years later.<sup>103</sup> The movement's fundamental aims were then realised in the Youthful Offenders Act of 1854, 'the Magna Charta of the neglected child'.<sup>104</sup> By this, the state recognised its endeavours but did not interfere with the voluntary principle: judges and magistrates were given powers to send children to reformatory schools; these were to be certified by the Home Secretary and subjected to inspection; and the government consented to provide financial assistance.<sup>105</sup>

Writing in 1855, Sir Stafford Northcote described reformatories – and he had founded one himself – as 'becoming quite the rage'.<sup>106</sup> The reformatory movement saw itself as progressive and liberal. In Henry Mayhew's opinion as expressed to the Law Amendment Society, 'it was the great glory of the age that they were casting aside the barbarous policy of the past; and that they were desirous of being merciful to all, and giving all a chance of reformation'.<sup>107</sup> The movement rejected retribution as it rejected deterrence: 'Punishment when it means pain administered . . . for retribution, or for retaliation, is in its essence hostile to reformation, because hostile to education and development.'<sup>108</sup> Above all, once the reformatory movement came to reject its first division between adults and juveniles in the mid-1850s, it disavowed the popular conception of an irredeemable criminal class. Hill told the Birmingham conference in 1853 that the movement had established 'this mighty

<sup>101</sup> *Report of the Proceedings of a Conference on . . . Preventive and Reformatory Schools . . . on the 9th and 10th December 1851* (Birmingham, 1852) and *Report of the Proceedings of the Second Conference on the Subject of Juvenile Delinquency and Preventive and Reformatory Schools . . .* (London, 1854).

<sup>102</sup> [Turner] 'Early History of the Reformatory and Industrial School Movement', 176; Andrew Lang, *Life, Letters and Diaries of Sir Stafford Northcote, First Earl of Iddesleigh* (2 vols., Edinburgh and London, 1890), 1, 126–7; M. D. Hill to Brougham, 8 Feb. 1852, B MSS, 6836; Select Committee on Criminal and Destitute Children, PP 1852–3, xxiii.

<sup>103</sup> See the invitation to the 1853 Conference, 'Juvenile Delinquency. Preventive and Reformatory Industrial Schools', in 'Miscellaneous Papers', Mary Carpenter MSS, Bristol Record Office.

<sup>104</sup> R. and F. Davenport-Hill, *The Recorder of Birmingham*, 171.

<sup>105</sup> 'Early History of the Reformatory and Industrial School Movement', 179.

<sup>106</sup> [Stafford Northcote], 'Reformatory Schools', *Quarterly Review*, 98 (Dec. 1855), 32.

<sup>107</sup> *LAJ*, 1 (1855–6), 51.

<sup>108</sup> M. D. Hill quoted in R. and F. Davenport-Hill, *The Recorder of Birmingham*, 181.

truth – the practicability of reforming the guilty, whether adult or juvenile'. He believed that 'if reformation were the only object in view, and if the duration of imprisonment were made to depend on the attainment of this object, the numbers of the reformed would bear a very large proportion to the total number of prisoners'.<sup>109</sup>

These ideas shaped the National Reformatory Union which was founded in 1856 to co-ordinate the movement and explain its ideas to an often hostile public.<sup>110</sup> The initiative was taken by Lloyd-Baker, the founder of the Hardwicke Reformatory, who convened a meeting on his estates.<sup>111</sup> A prospectus was published, a committee organised, and by early 1856 the Union was holding regular sessions in London and seeking a wider audience. As Northcote wrote to Lloyd-Baker at the end of 1855, 'I am inclined to think that we must come to a big Association . . . which should meet periodically in London, and should once a year hold a country meeting.'<sup>112</sup> Northcote's projected 'big Association' on this model was to be the Social Science Association.

Brougham described the NRU to Russell as embracing 'friends of the great system of Reformatories, of all sects and of all parties'.<sup>113</sup> It attracted country Tories and metropolitan reformers, Christian philanthropists and former utilitarians like Hill. Unlike the similar organisation, the Reformatory and Refuge Union, which was staunchly Anglican, the NRU was non-sectarian. An attempt was made in late 1855 to establish an alliance between the two different groups involved in reformatory work, but it foundered on religious incompatibility. The managers of the Reformatory and Refuge Union could not tolerate an organisation in which the Unitarians Mary Carpenter and Matthew Davenport Hill, and Demetz, a Roman Catholic, played prominent roles.<sup>114</sup> For their part, the members of the NRU were also divided by religion, for which reason they resolved to remain non-sectarian: as Stanley wrote to Hastings, 'in the National Reformatory Union there are very many who dislike the principle of non-sectarianism, and who have only accepted it because they

<sup>109</sup> Ibid., 167, 187.

<sup>110</sup> Radzinowicz and Hood, *History of English Criminal Law*, v, 180. G. W. Hastings, 'Report from the General Committee', *Report of the First Provincial Meeting of the National Reformatory Union*, 33.

<sup>111</sup> McGregor, *Social History and Law Reform*, 20. *Law Review*, 23 (1856), 466. For Lloyd-Baker's invitation, see the file 'Reformatory Conference at Hardwicke, 1855', T. B. Lloyd-Baker papers, Hardwicke MSS, Gloucestershire Record Office, Gloucester, D3549/25/4/3.

<sup>112</sup> Sir Stafford Northcote to T. B. Lloyd-Baker, 16 Dec. 1855, Hardwicke MSS, D3549/25/4/3.

<sup>113</sup> Brougham to Russell (n.d.), Russell papers, PRO 30/22 13F, f. 185.

<sup>114</sup> T. B. Lloyd-Baker to C. B. Adderley (n.d., but probably late 1855), Hardwicke MSS, D3549/25/4/3. See also Lloyd-Baker's manuscript autobiography, 'My Life', pt II, 1856–79, ff. 66–8, Hardwicke MSS, D3549/25/7/1.

liked still less the particular form of sectarianism which the rival society has adopted'.<sup>115</sup> The religious difficulties which beset mid-Victorian education and delayed full development of elementary provision until 1870 also affected the reformatory movement, though relations between the two groups in reformatory work remained cordial, at least. The non-sectarian position of the National Reformatory Union was to be adopted by the Social Science Association.

If parliamentary opinion signalled its assent to 'reformatory principles' with legislation in 1854, public opinion 'requires even more reformation than the children of whom we have been speaking'.<sup>116</sup> As Hill wrote to Demetz in June 1855, 'What those among us who take an interest in the subject have been chiefly labouring for is, to diffuse reformatory opinions among the people at large, combatting the scepticism which has prevailed as to the possibility of reforming any criminals, old or young.'<sup>117</sup> Given that in 1856, on the authority of *The Times*, 'British nature' believed 'that an adult who, with his eyes open, takes to crime as a trade can rarely be weaned from it', then an organisation created by managers of reformatories for the exchange of information between those who already adhered to the movement was ill-suited to a campaign of public persuasion and education on such a sensitive issue.<sup>118</sup> The need to reach a wider audience was particularly acute in the autumn and winter of 1856-7, precisely at the time that the Social Science Association was being established, with the onset of one of the so-called 'moral panics' which periodically afflicted the middle classes in mid-century when they believed themselves overrun by a definable 'criminal class'.<sup>119</sup>

The particular concern was the so-called 'ticket-of-leave' system under the Penal Servitude Act of 1853 which allowed release of a prisoner before expiration of his sentence upon his obtaining a licence to be at large under police surveillance after proof of good conduct. By 1856, the Act 'had created such a panic in the country as has scarcely ever been equalled in its intensity and its continuance'.<sup>120</sup> The popular imagination was excited by exaggerated accounts of relapsed ex-convicts

<sup>115</sup> Stanley to Hastings, 27 Sept. 1856, Hastings collection, Leeds. See also Hastings to Brougham 7 July, 27 Aug., 29 Sept. 1856, and 26 Aug. 1857, B MSS, 13055, 13060, 13065, 13095.

<sup>116</sup> R. and F. Davenport-Hill, *The Recorder of Birmingham*, 166. <sup>117</sup> *Ibid.*, 293.

<sup>118</sup> *The Times*, 23 Dec. 1856, quoted in Jennifer Davis, 'The London Garrotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in Mid-Victorian England' in V. A. C. Gatrell, B. Lenman, and G. Parker (eds.), *Crime and the Law. The Social History of Crime in Western Europe Since 1500* (London, 1980), 196-7.

<sup>119</sup> *LAJ*, 2 (1856-7), 97.

<sup>120</sup> NAPSS [J. L. Clifford-Smith], *A Manual for the Congress with a Narrative of Past Labours and Results* (London, 1882), 74.

given tickets-of-leave because believed 'reformed', who were falling back into violent crime, and the cry went up against 'reformation' and for a return to transportation. It prompted the creation of select committees of both Houses to enquire into the workings of the 1853 Act. As Stanley noted in February 1857, 'The popular feeling has been vehemently excited against tickets-of-leave: no subject has more occupied attention during the autumn and winter.'<sup>121</sup> The panic discomposed advocates of reformation, only widening the breach between popular attitudes and 'reformatory principles'. In December 1856 Hill wrote to Brougham about 'the insane outcry which is made against the ticket-of-leave system, which is sound; instead of against the ticket-of-leave administration, which is abominable . . . I wish you could tell me what to do to make the public understand what the true questions are.'<sup>122</sup>

At this time, during the autumn and winter of 1856–7, Hastings was planning 'an Association . . . to unite the Law Amendment Society and the National Reformatory Union and to take up the subject of Preventive Education',<sup>123</sup> or, as it later became, an 'Association for promoting the amendment of the law, the reformation of offenders and the prevention of crime'.<sup>124</sup> Its final form was the Social Science Association. It was the oblique solution to Hill's problem, a vehicle to promote public understanding. If the National Reformatory Union provided an institutional foundation for the SSA, the 'moral panic' of 1856–7 was the Association's proximate cause.

## V

The third constituent group at the Association's founding meeting were the fifteen women whose names have come to light with the discovery of the original account of the proceedings. The presence of women at Social Science Association congresses was a source of much comment. John Stuart Mill commended the Association for its 'great step in advance by admitting women, in theory and in practice, to take part equally with men, both in its administration and in its proceedings'. He welcomed the SSA's appointment in 1857 of a female secretary, Isa Craig.<sup>125</sup> According

<sup>121</sup> Stanley, 'Notes Taken During the Year 1857, Vol. 1, January to July' (9 Feb. 1857), 920 (DER) 15.

<sup>122</sup> R. and F. Davenport-Hill, *The Recorder of Birmingham*, 197.

<sup>123</sup> G. W. Hastings to T. B. Lloyd-Baker, 6 Oct. 1856, Hardwicke MSS, D3549/25/4/3.

<sup>124</sup> The 'draft plan' for this projected organisation is in the Hastings collection, Leeds.

<sup>125</sup> J. S. Mill to Helen Taylor, 21 Feb. 1860 and T. B. Potter, 17 March 1864 in *The Later Letters of John Stuart Mill 1849–1873* (ed. F. E. Mineka and D. N. Lindley) in *Collected Works of J. S. Mill* (Toronto, 1972), xv, 683, 925.



to Emily Davies, founder of Girton College, Cambridge, 'The Association was of immense use to the women's movement in giving us a platform from which we could bring our views before the sort of people who were likely to be disposed to help in carrying them out.'<sup>126</sup>

Their presence can be traced to the women's committee founded in 1855 to agitate for a Married Women's Property Act by means of a petition to Parliament. The committee was organised by Barbara Leigh Smith, later Barbara Bodichon, who played a charismatic role in the earliest British feminist movements.<sup>127</sup> Its leading members included Bessie Rayner Parkes, Mary Howitt and her daughter Anna, Adelaide Procter, Mrs Bridell Fox, Elizabeth Sturch Reid, and Maria Susan Rye. The younger women were inspired by an older member of the committee, Anna Jameson, a popular writer of criticism, biography, and history, who had separated from her husband after four years of marriage, struggled to secure adequate support from him, and thus suffered personally under the property laws pertaining to married women.<sup>128</sup> It was 'the first committee of women in England to discuss the rights of their own sex. From it one might date the birth of the Women's Movement.'<sup>129</sup> At issue was the status of a wife in the common law. The absence of a legal identity apart from her husband, known as 'couverture', ensured that on marriage a wife was denied control over her personal property, and given little protection for the real property (i.e. land) she might have held when single. Though under the common law a husband could not dispose of his wife's real property without her consent, it did not protect a wife's personal property, such as earnings, savings, or possessions like jewellery – and personal property was of growing significance to women in the nineteenth century.<sup>130</sup> As the women's petition to parliament in March 1856 put it, 'it might once have been deemed for the middle

<sup>126</sup> B. Stephen, *Emily Davies and Girton College* (London, 1927), 75. See also Ray Strachey, *The Cause. A Short History of the Women's Movement in Great Britain* (1928) (1978 edn, London), 94.

<sup>127</sup> Hester Burton, *Barbara Bodichon 1826–1891* (London, 1949); Sheila R. Herstein, *A Mid-Victorian Feminist: Barbara Leigh Smith Bodichon* (New Haven and London, 1985); Pam Hirsch, *Barbara Leigh Smith Bodichon 1827–1891. Feminist, Artist and Rebel* (London, 1998). For a celebratory account of Barbara Bodichon's role in the campaign, see Bessie Rayner Parkes' recollections, 'The Married Women's Property Bill 1851–1880' in the Bessie Rayner Parkes papers, Girton College, Cambridge, BRP I 19/5–6.

<sup>128</sup> Judith Johnston, *Anna Jameson: Victorian, Feminist, Woman of Letters* (Aldershot, 1997); Norma Clarke, 'Anna Jameson: "The Idol of Thousands of Young Ladies"', in Mary Hilton and Pam Hirsch (eds.), *Practical Visionaries. Women, Education and Social Progress 1790–1930* (Harlow, 2000), 69–83.

<sup>129</sup> Burton, *Barbara Bodichon*, 66. See also Lee Holcombe, *Wives and Property: Reform of the Married Women's Property Law in Nineteenth-Century England* (Oxford, 1983), 58.

<sup>130</sup> Holcombe, *Wives and Property*, 18–47. Mary Lyndon Shanley, *Feminism, Marriage and the Law in Victorian England 1850–1895* (Princeton, 1989), 22–48.

and upper ranks a comparatively theoretical question, but it is no longer, since married women of education are entering on every side the fields of literature and art'.<sup>131</sup> As husband and wife were legally the same person, and a wife could not sue her husband, therefore, she could not enforce a claim to support. Nor could she separately enter into contracts or even incur debts.

Wealthy women could avoid the common law by prenuptial agreements, or 'marriage settlements', sanctioned by the courts of equity, which reserved designated properties of the wife-to-be as separate from her husband's common law rights of possession. It was estimated that only one in ten marriages was accompanied by an arrangement in equity because only the wealthy could afford it.<sup>132</sup> On grounds of social egalitarianism as much as individual liberty reformers contended for an equality of property rights in marriage. As the *Law Amendment Journal* put it in April 1856, 'the question will be, not whether a new law is to be introduced for Englishwomen, but whether in a country which boasts equal legislation, there is to be one law for rich women and another law for poor women'.<sup>133</sup>

Brougham had been an associate of William and Benjamin Smith, respectively the radical grandfather and father of Barbara Leigh Smith (Bodichon).<sup>134</sup> This connection and concurrent interest in married women's property brought the women's committee into contact with the Law Amendment Society. In 1854 Barbara Leigh Smith sought the assistance of M. D. Hill, also a friend of her father's, who had the early distinction of calling for the enfranchisement of women when a candidate in the 1832 parliamentary election at Hull.<sup>135</sup> He helped her write her first pamphlet on the woman's position, *A Brief Summary in Plain Language of the Most Important Laws Concerning Women*.<sup>136</sup> Its publication 'created a sensation'.<sup>137</sup> It considered the property issue towards the close, noting the needs of the 'large and increasing class of women who gain their own livelihood' and the privation currently experienced by working-class women. Barbara

<sup>131</sup> 3 Hansard CXLII, 120–1.

<sup>132</sup> Pat Jalland, *Women, Marriage and Politics 1860–1914* (Oxford, 1986), 59.

<sup>133</sup> *LAJ*, 1 (1855–6), 47. <sup>134</sup> Hirsch, *Barbara Leigh Smith Bodichon*, 3.

<sup>135</sup> C. Hall, K. McClelland, and J. Rendall, *Defining the Victorian Nation. Class, Race, Gender and the British Reform Act of 1867* (Cambridge, 2000), 121.

<sup>136</sup> R. and F. Davenport Hill, *The Recorder of Birmingham*, 265–6; Frederic Hill, *An Autobiography of Fifty Years in Time of Reform* (London, 1894), 305; Burton, *Barbara Bodichon*, 59.

<sup>137</sup> Herstein, *A Mid-Victorian Feminist*, 71. Bessie Rayner Parkes, 'Barbara Leigh Smith Bodichon', *Englishwoman's Review* (July 1891), 146.

Leigh Smith called for new laws for a changing society, and fixed on the property laws as the first target of an emergent women's movement for they 'form a simple, tangible, and not offensive point of attack'.<sup>138</sup>

The issue was taken up by the Law Amendment Society after the Liberal MP Richard Monckton Milnes (later Lord Houghton) submitted the pamphlet to its Personal Laws Committee, chaired by Sir Erskine Perry MP, previously Chief Justice of the Supreme Court of Bombay.<sup>139</sup> The women's complaints were well received there by men with feminist sympathies. An issue which indicated the inadequacy of common law and the need to fuse legal and equitable jurisdictions also won the professional support of lawyers seeking to modernise the legal system. The laws regulating married women's property were a test-case to be pursued for professional as well as feminist reasons, therefore.<sup>140</sup> The committee drew up seven resolutions embodying principles for reform of the law.<sup>141</sup> On 14 March 1856 the petition of the women's committee, with some 26,000 signatures, was presented by Perry in the Commons and Brougham in the Lords.<sup>142</sup> Among those who signed it were Harriet Martineau, Elizabeth Barrett Browning, Elizabeth Gaskell, Jane Carlyle, and Marian Evans (George Eliot). A public meeting to mobilise support followed on 31 May attended by 'a large number of ladies . . . including Mrs. Jameson, Mrs. Howitt and many other lady authors'.<sup>143</sup> It adopted resolutions criticising the rules of common law which formed the substance of a Commons resolution moved by Perry and seconded by Stanley in the following month.<sup>144</sup>

In May 1857, during the next parliamentary session, Perry introduced a Married Women's Property bill, based on the recommendations of the Law Amendment Society. It would have made a married woman as

<sup>138</sup> Barbara Leigh Smith Bodichon, *A Brief Summary, in Plain Language, of the Most Important Laws Concerning Women: Together with a Few Observations Thereon* (1854) reprinted in C. A. Lacey (ed.), *Barbara Leigh Smith Bodichon and the Langham Place Group* (London, 1986), 23–35. Pam Hirsch, *Barbara Leigh Smith Bodichon*, 86–91.

<sup>139</sup> Mary Lyndon Shanley, "'One Must Ride Behind': Married Women's Rights and the Divorce Act of 1857", *Victorian Studies*, 25, 3 (Spring 1982), 362. J. Perkin, *Women and Marriage in Nineteenth-Century England* (London, 1989), 294–301.

<sup>140</sup> Shanley, "'One Must Ride Behind'", 371 and *Feminism, Marriage and the Law*, 34; Holcombe, *Wives and Property*, 49; [Cornwallis], 'The Property of Married Women', 332.

<sup>141</sup> 'Report of the Personal Laws Committee on the Law Relating to the Property of Married Women', 9. *Law Amendment Society, Miscellaneous Reports*, vol. III: 1844–59, Lincoln's Inn Library, London.

<sup>142</sup> *LAJ*, 1 (1855–6), 33. Anna Mary Howitt to Margaret Howitt, 17 March 1856, in *Mary Howitt. An Autobiography* (ed. Margaret Howitt) (2 vols., London, 1889), II, 116.

<sup>143</sup> *LAJ*, 1 (1855–6), 92–6; Brougham to Pakington, 1 June 1856, Papers of Sir John Pakington (Hampton MSS), Herefordshire and Worcestershire Record Office, Worcester, BA 4732/4 (iii).

<sup>144</sup> 3 Hansard CXLII, 1273–7.

capable as an unmarried one of acquiring, holding, and disposing of real and personal property; of making contracts in her own name, suing and being sued, and disposing of property by will.<sup>145</sup> Though it passed its second reading, it was dropped, undercut by Lord Lyndhurst's Divorce bill that, in Perry's words, 'took the wind out of our sails'.<sup>146</sup> Bills to reform the law of divorce had been introduced unsuccessfully in 1854 and 1856.<sup>147</sup> Another divorce bill in 1857 came down from the Lords in the same month that Perry's bill received its second reading. It was accepted by the Commons and the resulting Matrimonial Causes Act ensured, first, that women who obtained a judicial separation or divorce would have the property rights of an unmarried woman; and second, that a deserted wife could obtain a court order to protect all the property she received after desertion.<sup>148</sup> Lord St Leonards, Conservative Lord Chancellor in 1852, introduced these provisions into the Act specifically to 'prevent a greater evil' – Perry's bill – which would 'place the whole marriage law . . . on a different footing and give a wife all the distinct rights of citizenship'.<sup>149</sup> If injured wives were now protected in the most extreme circumstances, it was argued that the rights of an uninjured wife to her property were superfluous.<sup>150</sup> The dilemma for the Law Amendment Society and the women's committee in the summer of 1857 was whether to support the inadequate provisions of the Divorce bill or push on with their own measure, which was more controversial still, at the risk of losing any advantage at all. The passage of the Divorce Act in that session ensured that the issue of the property of married women in all circumstances died a death in 1857 and was not resurrected again for a decade. As Barbara Bodichon summarised the episode,

The fate of our bill was this. Ld. Brougham bid us be content with the clauses in the Divorce Bill put in expressly to passify [*sic*] us. Just & right to give women who are beaten a right to their own wages but it left our abstract right to the earnings of our hands and heads untouched. I was disgusted but there are not 100 women in England who care for justice and who had any comprehension of my idea & most who signed the Petition were satisfied with having obtained

<sup>145</sup> Holcombe, *Wives and Property*, 91–3.

<sup>146</sup> *Speech of Sir Thomas Erskine Perry at the Annual Meeting of the Married Women's Property Committee, 4 Feb. 1880* (Manchester, 1880), quoted in Lee Holcombe, 'Victorian Wives and Property. Reform of the Married Women's Property Law 1857–1882' in M. Vicinus (ed.), *A Widening Sphere. Changing Roles of Victorian Women* (Bloomington, Ind. and London, 1977), 11.

<sup>147</sup> W. R. Cornish and G. de N. Clark, *Law and Society in England 1750–1950* (London, 1989), 382–6.

<sup>148</sup> Shanley, "'One Must Ride Behind'", 373–4.

<sup>149</sup> 3 Hansard CXLV, 800, quoted in Holcombe, 'Victorian Wives and Property', 11–12.

<sup>150</sup> *Saturday Review* (18 July 1857), 56.

so much. Sir Erskine Perry & some of the men were disappointed at our quiet submission but I think all agreed that Ld. Lyndhurst's Bill so rivited [*sic*] public attention that we had no chance.<sup>151</sup>

The Divorce Act was passed on 28 May 1857, receiving royal assent on 28 August. In between, on 29 July, came the meeting at Brougham's house, attended by the fifteen women. Having campaigned for two years with the aid of the Law Amendment Society, they attended to signal their determination to maintain agitation with the assistance of the new organisation. Their presence at Brougham's house in July 1857 was not instrumental in the foundation of the SSA but consolidated an alliance with one of the Association's most important constituencies: middle-class women.

## VI

The three groups who met on 29 July 1857 have been described. The sources allow for further analysis of the means by which they were brought together and a 'parliament of social causes' constructed. The narrative illuminates many of the characteristic features of the Social Science Association: its dependence on high-political patronage, its efforts to lead a social-reforming coalition, its deference to the institutional models of politics and natural science.

The institutional roots of the SSA can be traced to the foundation of the National Reformatory Union and its co-operation with the Law Amendment Society in 1856. The close relationship 'as approved labourers in the same field'<sup>152</sup> encouraged a plan for a more ambitious forum. There are hints of this in Hastings' correspondence that summer, specifically a plan for 'the enlargement and improvement of the L[aw] A[men]dment Journal'.<sup>153</sup> Efforts began with an attempt to implant an embryonic Social Science Association into the British Association for the Advancement of Science at its annual meeting in Cheltenham in August 1856. Hastings planned to organise a section there on law and jurisprudence.<sup>154</sup> He was attracted by the prospect of Lord Stanley, an important new patron of both law amendment and 'reformation', serving as President of the Statistical Section (section F) at the meeting of the BAAS. But the scheme was unsuccessful for the subject matter of the proposed

<sup>151</sup> Barbara Bodichon to Caroline Wells Healey Dall, 22 March 1861, C. W. H. Dall papers, Massachusetts Historical Society, Boston, Mass., 3.6. <sup>152</sup> *LAJ*, 1 (1855-6), 13.

<sup>153</sup> Hastings to Brougham, 31 July 1856, B MSS, 13059.

<sup>154</sup> *LAJ*, 1 (1855-6), 86. See also *T.1878*, 151.

section was deemed inappropriate for an organisation concerned with the natural and exact sciences. In response, the social scientists 'quitted the orthodox believers and proceeded to found a pugnacious and prosperous sect' of their own.<sup>155</sup>

The episode is significant in several ways. It supports the view that in mid-century the British Association was the dominant institutionalisation of intellectual life in Britain to which all deferred.<sup>156</sup> It demonstrates the curious inability of many Victorians to appreciate the inconsistency between their reforming intentions and the exact sciences – a blindness that must be explained in any wider approach to the contextualised meaning of 'social science' in the nineteenth century.<sup>157</sup> The events of August 1856 were also a replay of events a generation earlier. In 1833 the foundation of the statistical section itself was accompanied by similar debates over the devaluation of natural science.<sup>158</sup> Section F *was* admitted but it remained controversial in an Association whose managers were averse to encouraging yet more social, as opposed to scientific, discussion a generation later.<sup>159</sup> The British Association provided the organisational model for the SSA, nevertheless. When Brougham wrote to Russell to invite him to the first congress, he had 'every reason to expect the same benefit will accrue to Social and generally to Moral subjects' as 'Mathematical and Physical Science has received from the annual Meetings of the British Association'.<sup>160</sup>

In the autumn of 1856, against the background of the developing 'moral panic', Hastings constructed a plan for an 'Association for Promoting the Amendment of the Law, the Reformation of Offenders and the Prevention of Crime'.<sup>161</sup> At this stage the focus was strictly criminal and legal. Brougham 'entered into the idea with his customary ardour . . . he paced the terrace of his hall in eager debate of all the

<sup>155</sup> *T.1878*, 152. <sup>156</sup> Morrell and Thackray, *Gentlemen of Science*, *passim*. <sup>157</sup> See ch. 10.

<sup>158</sup> Revd Adam Sedgwick, 'Concluding Address', *Report of the Third Meeting of the British Association for the Advancement of Science* (London, 1834), xxvii–xxxii. *Lithographed Signatures of the Members of the British Association for the Advancement of Science who met at Cambridge, June MDCCCXXXIII with a Report of the Proceedings at the Public Meetings During the Week; And an Alphabetical List of the Members* (Cambridge, 1833), 82, 90. Lawrence Goldman, 'The Origins of British "Social Science": Political Economy, Natural Science and Statistics, 1830–35', *Historical Journal*, 26, 3 (1983), 591.

<sup>159</sup> Morrell and Thackray, *Gentlemen of Science*, 291–6.

<sup>160</sup> Brougham to Russell, 21 Aug. 1857, Russell papers, PRO/30/22 13D ff.103–4. See also *LAJ*, 2 (1856–7), 156 (20 July 1857).

<sup>161</sup> 'Draft Plan of an Association for Promoting the Amendment of the Law, the Reformation of Offenders and the Prevention of Crime', Hastings collection, Leeds. The document is endorsed thus in Hastings' hand: 'Draft plan for uniting the Law Amendment and National Reformatory Union, drawn up by me – This finally brought about the Social Science Association.'

details and anticipated incidents'.<sup>162</sup> From Knowsley, the Derby estate in Lancashire, Hastings wrote that 'Stanley seems to be really earnest about it, and to like the idea.'<sup>163</sup> Pakington was less enthusiastic, however, raising objections to the union of reformation and legal reform.<sup>164</sup>

Hastings sent a 'draft plan' of his Association to various interested parties and during October a committee of over twenty was formed.<sup>165</sup> In November the project was explained to the Law Amendment Society in a form recognisable as a nascent Social Science Association. Law Amendment was placed in the context of 'questions of education, reformation, political economy, history, statistics and other branches of knowledge'.<sup>166</sup> An integrated forum for social investigation was now superseding a 'preventive education society'. But the idea seems to have gone no further at this stage, perhaps because of the immediate need to finalise arrangements for the Society's long-anticipated Mercantile Law Conference in January 1857 – a meeting that brought together representatives from chambers of commerce, businessmen, and parliamentarians.<sup>167</sup> It consolidated a coalition of interests – legal, commercial, and political – which the SSA later employed in its successful agitation for the 1861 Bankruptcy Act.<sup>168</sup>

There is evidence of disquiet and resentment as Hastings set about the institutional conflations of his scheme in the spring of 1857.<sup>169</sup> Nevertheless, at the beginning of May he was confident that, as he wrote to Brougham 'there is every prospect that you may if you choose to do so preside this autumn over a meeting embracing the whole range of moral and social science – Law Amendment – Reformatories – Education – Statistics – to be held at Birmingham'.<sup>170</sup> On 20 July Hastings announced the Birmingham congress to the Law Amendment Society<sup>171</sup> and a few days later the Social Science Association was officially founded. Weeks of arduous organisation followed, pursuing figureheads to lead discussion and contributions from the influential. In early August,

<sup>162</sup> *T.1878*, 152.      <sup>163</sup> Hastings to Brougham, 29 Sept. 1856, B MSS, 13065.

<sup>164</sup> Pakington to Stanley, 19 Oct. 1856, 920 DER 15.

<sup>165</sup> See Hastings to T. B. Lloyd-Baker, 6 Oct. 1856, Hardwicke MSS, D3549/25/4/3; Hastings to Brougham, 5, 7, 9, 30 Oct. 1856, B MSS, 35550, 36301, 13066, 13068.

<sup>166</sup> *LAJ*, 2 (1856–7), 4.

<sup>167</sup> *Ibid.*, 22, 30–1, 42. Hastings to Brougham, 11 Dec. 1856, B MSS, 13071.

<sup>168</sup> G. W. Hastings, 'Introduction', *T.1861*, xxii–xxvi; [Clifford Smith], *A Manual for the Congress*, 42–44.

<sup>169</sup> Lloyd-Baker, 'My Life', pt II, 1856–1879, Hardwicke MSS, D3549/25/7/1., ff. 7–8. Hastings encountered particular opposition from Frederic Hill, the prisons' inspector and brother of M. D. Hill.

<sup>170</sup> Hastings to Brougham, B MSS, 13088, 2 May 1857.      <sup>171</sup> *LAJ*, 2 (1856–7), 156–7.

The committee, after mature deliberation, divided the Association into five departments, so that the great subjects of Law Amendment, Education, Prevention and Repression of Crime, and Public Health, might be dealt with separately, and other subjects of social interest, especially questions relating to Capital, Labour and Production be grouped together under the head of Social Economy.<sup>172</sup>

There is no record of how and why this division of labour and mental-map of 'social science' was arrived at: with some variations, it was to determine the structure of the Association thereafter. The committee were 'anxious that Bramwell should preside over the first [department] and Lord J. Russell over the second; and Lord Shaftesbury over the third – Lord Stanley to have either the 4th or 5th as he wishes, and his place to be filled either by Lord Carlisle or Sidney Herbert'.<sup>173</sup> In the event the sectional presidents lined up as Russell; Pakington; Stanley; Sir Benjamin Brodie, the Queen's physician, and an earnest of the medical-scientific links the SSA would build subsequently; and the Bishop of London, the broad churchman A. C. Tait, later Archbishop of Canterbury. Tait was ultimately unable to attend and the Department of Punishment and Reformation was chaired jointly by M. D. Hill and Adderley.<sup>174</sup> Brougham deployed his prestige in making initial contact with the designated celebrities, and Hastings followed with explanations of the duties involved. Brougham had been pursuing Russell, for example, for some time: as he wrote to him in April 1855, 'I assure you most sincerely that if anything could at all reconcile me to your being out of office . . . it would be your applying yourself to Law Amendment.'<sup>175</sup> Thus primed, Hastings persuaded Russell 'on an afternoon which I spent with him at Pembroke Lodge to undertake the presidency of the Jurisprudence section'.<sup>176</sup> Brougham's contacts and his reputation were exploited and leading figures of all description were lobbied and invited. As he wrote to the earl of Carlisle, better known to contemporaries and historians as Viscount Morpeth, the then Lord Lieutenant in Ireland, 'The labour will be very small because papers will be read & all you have to do is

<sup>172</sup> 'Introduction', *T.1857*, xxvi–xxvii. Hastings to Brougham, 8 Aug. 1857, B MSS, 13093.

<sup>173</sup> Hastings to Brougham, 8 Aug. 1857, B MSS, 13093. Carlisle was then Lord Lieutenant of Ireland; Herbert a former and future War Secretary; Sir George Bramwell was Judge of Exchequer from 1856, and Lord Justice, 1876–81.

<sup>174</sup> *T.1857*, xxvii–xxviii.

<sup>175</sup> Brougham to Russell, 19 April 1855, Brougham papers, W. L. Clements Library, University of Michigan, vol. III: Correspondence 1807–64.

<sup>176</sup> *T.1878*, 152. Brougham to Russell, 21 Aug. 1857, Russell papers, PRO 30/22 13D 103–4; Russell to Brougham 24 Aug. 1857, B MSS, 10777; Russell to Hastings, 23 Aug. 1857, Hastings Collection, Leeds; Hastings to Brougham, 3 Oct. 1857, B MSS, 13107.



preside over the discussions.<sup>177</sup> Through William Farr, Hastings sought the support of Florence Nightingale.<sup>178</sup> Of Sir Stafford Northcote it was 'earnestly requested that you will allow your name to be added to the general committee & that you will take a part in the proceedings'.<sup>179</sup>

## VII

The Social Science Association was thus founded with the support of Russell, prime minister between 1846 and 1852 and again between 1865 and 1866; of Stanley, 'the coming man' who had been drawn into reforming circles in the mid-1850s, whose diaries show him to be an assiduous reader of 'blue books' and the literature of social science, and who could so easily have led his party after his father's death had he been willing; and of Brougham. And if Brougham had long since abandoned active party politics, the reputation of his past deeds was formidable. As one *Edinburgh Reviewer*, writing some sixty-seven years after Brougham helped to found that journal, explained,

Long after *Londoners* had ceased to speak of Brougham otherwise than in tones of impatience or amusement, we have seen parties of provincial visitors . . . whose first object in the metropolis seemed to be to learn of his proceedings and to follow his movements; men who mentioned him with a kind of awe as a superior being, and whose faces merely expressed the most unfeigned incredulity and surprise, when he was spoken of by others as anything less than the great apostle of progress and champion of reform.<sup>180</sup>

It was an ideal reputation in an organisation that was to mediate between provincial opinion and metropolitan politics.

The patronage of active and iconic politicians may best be explained by reference to the political situation of the mid-1850s, notably the effects of party-political and governmental instability and the consequent 'hiatus in reform'. It is standard historical practice to compare party fragmentation and weak governments in the 1850s with the safe majorities of Gladstone and Disraeli after 1868. In mid-century, the relative freedom of private members and ministerial avoidance of contentious domestic

<sup>177</sup> Brougham to George William Frederick Howard, seventh earl of Carlisle, 28 Sept. 1857, Castle Howard MSS, J19/1/75/102.

<sup>178</sup> William Farr to Florence Nightingale, 4 Aug. 1857, Nightingale papers, BL Add. MSS, 43398, f. 25.

<sup>179</sup> J. F. Wingfield to Sir Stafford Northcote, 21 Aug. 1857, Iddesleigh papers, BL Add. MSS, 50035, ff. 144–6. Wingfield was a member of the NRU.

<sup>180</sup> [Herman Merivale] 'Campbell's Lives of Lyndhurst and Brougham', *Edinburgh Review*, 129 (Jan.–April 1869), 600.

issues militated against 'constructive legislation on social problems'.<sup>181</sup> The Social Science Association was a response to Russell's lament 'that the stream of reform which has followed on without interruption from 1828 to 1855 has now been suddenly chilled, if not frozen in 1856 – and this not from want of power, but from want of will'.<sup>182</sup> Hastings berated the parliamentary confusion of that year: 'the scramble now going on in the House of Commons is almost beyond belief. Bills shelved or shoved through, not merely without proper consideration, but without the smallest reference to their value in the country'.<sup>183</sup> Stanley noted 'that the session of 1856 was absolutely devoid of important business'.<sup>184</sup> The formation of the Social Science Association was part of a compensatory trend towards extra-parliamentary organisation in response to this confusion and stasis.<sup>185</sup> If the public mood had turned against interventionist government at the end of the 1840s, a decade later it was searching for ways of refocusing the legislature on reform.<sup>186</sup>

It is in this context that the presence at the meeting in Brougham's house of some of the leading members of the defunct Administrative Reform Association should be understood. The ARA had effloresced and died between 1855 and 1857, an unstable amalgamation of different interests opposed to the inefficiencies of 'aristocratic government'. Though its arguments had often been heard among sections of the early-Victorian middle classes, it was created by the multiple failings of government during the Crimean War. It tried to unite the animus of nonconformist businessmen with the critiques of administrative experts; to balance criticisms of government profligacy from apostles of *laissez-faire* with demands for meritocracy from professional men excluded from government. It failed in this, as it also failed to ignite popular indignation with a legislature and cabinet of inexperienced landholders.<sup>187</sup> But an echo of its campaign may be detected in the presence at the meeting on 29 July 1857 of Hadfield, and

<sup>181</sup> Valerie Cromwell, 'Interpretations of Nineteenth Century Administration: An Analysis', *Victorian Studies*, 9, 3 (1966), 254.

<sup>182</sup> Russell to the Dean of Bristol, 11 Aug. 1856, PRO/30/22 13B, 176–7.

<sup>183</sup> Hastings to Brougham, 27 June 1856, B MSS, 13052.

<sup>184</sup> 'Notes Taken During the Year 1857', 1, 9 April 1857.

<sup>185</sup> Olive Anderson, *A Liberal State at War: English Politics and Economics During the Crimean War* (London and New York, 1967), 50.

<sup>186</sup> Mandler, *Aristocratic Government in the Age of Reform*, 267–9.

<sup>187</sup> Olive Anderson, 'The Administrative Reform Association, 1855–1857' in Patricia Hollis (ed.), *Pressure from Without in Early Victorian England* (London, 1974), 262–85; Olive Anderson, 'The Janus Face of Mid-Nineteenth Century English Radicalism: The Administrative Reform Association of 1855', *Victorian Studies* (March 1965), 231–42. G. R. Searle, *Entrepreneurial Politics in Mid-Victorian Britain* (Oxford, 1993), 90–2, 109.

the support of Goderich who seconded a motion there *in absentia*, both active parliamentary supporters of 'administrative reform' in 1855; of J. P. Gassiot, the 'statistical secretary' of the ARA, who had collected details of the voting behaviour of every MP in the 198 divisions of the 1856 session; of E. B. Roche, one of thirty-nine MPs associated with the ARA in 1855; and William Newmarch and Samuel Courtauld, who had both been members of the ARA. Other active administrative reformers, like Samuel Morley, the original chairman of the ARA, Sir Erskine Perry, a founder member,<sup>188</sup> and Edwin Chadwick, its first 'official writer', would become active members of the Social Science Association.<sup>189</sup> The SSA craved aristocratic patronage and was constructed as a neutral forum where all social and economic interests might debate. In this it was very different from the ARA. Yet the presence of such men at the heart of the new Association is suggestive: some of the frustration which briefly inspired 'administrative reform' in the mid-1850s may be detected in a diluted form in the SSA. It, too, was a response to the perceived failings of parliament, and was one of many social initiatives spurred by the supposed evidence of national decline during the Crimean War. Yet its aim was not to end aristocratic government so much as to improve it by providing expert direction itself. If the slogan of the ARA had been 'the right man in the right place' for the SSA it was the right policy, founded on knowledge and applied with skill.

In another analysis of this political incoherence written as the SSA was being created, Robert Lowe described the Commons as 'fickle, pliable and uncertain'. Politics were factionalised into diehard, obstructionist Tories, isolated Cobdenites, indeterminate ex-Peelites and an internally riven Liberal leadership. The Liberals were in ideological decline, encumbered with 'the lukewarm, the time-serving and the indifferent'. Prosperity had brought complacency and they had together 'superseded the vocation of the reformer'.<sup>190</sup> Law Reform had achieved visibility and some public recognition as an 'issue of the age' with the introduction of common law and chancery reforms between 1852–4. But it was a domestic issue of great technicality, and in the mid-1850s governments were made and broken over populist and emotive issues of foreign policy and war. Reform required patient investigation, and, as Pakington told the

<sup>188</sup> M. Taylor, *The Decline of British Radicalism, 1847–1860* (Oxford, 1995), 249.

<sup>189</sup> Anthony Brundage, *England's 'Prussian Minister'. Edwin Chadwick and the Politics of Government Growth, 1832–1854* (London, 1988), 159.

<sup>190</sup> [Robert Lowe], 'Hansard's Parliamentary Debates for the Months of February and March 1857', *Edinburgh Review*, 105 (April 1857), 554–8.

first SSA congress, 'Parliament, overwhelmed with work, is partly unable and partly unwilling to undertake the settlement of these social questions. The legislature has no time to bestow upon matters which are not put before them in some practical shape as pressing for immediate decision.'<sup>191</sup> Law Reform depended on political stability, and as Robert Collier MP explained to the Law Amendment Society in November 1859, 'the last thing that the House of Commons, when parties were nicely balanced, was disposed to listen to were measures of law reform'.<sup>192</sup> The SSA's *raison d'être* was to constitute itself as an 'alternative parliament' in 'an action not subsidiary to parliamentary action, but going before it, prompting it, teaching it, cramming it'.<sup>193</sup> It was designed to provide expert guidance for a legislature lacking the commitment and specialised knowledge for social reform.

## VIII

Beyond this legislative and administrative context there is still another way to place the SSA with reference to the history of the Victorian sensibility. According to the *Englishwoman's Journal* 'the organisation was wanted... it met a deep, steady current of thought and feeling'.<sup>194</sup> According to *The Scotsman*, 'there arose a growing desire for some common centre to which all interested in social inquiries might resort for mutual help and encouragement'.<sup>195</sup> The Social Science Association was a response to a change in national temper after the conflicts of the 1830s and 1840s. Hilton has illustrated this 'mid-century change of mood' by noting three salient and exemplary transformations: in attitudes to criminality where deterrence and correction became more important than retribution; in the altered perception of children and the treatment of juvenile offenders as exemplified in the reformatory movement; and in the change to Victorian business ethics symbolised by limited liability and hence the end of 'the virulent phase of *laissez-faire* capitalism'.<sup>196</sup> Each of these examples is bound up with the origins of the Social Science Association, and we might add to them a fourth transformation, the changed attitude to women that encouraged feminist

<sup>191</sup> Sir John Pakington, *T.1857*, 36–7.      <sup>192</sup> *TLAS* (1859–60), vi.

<sup>193</sup> *The British Almanac of the Society for the Diffusion of Useful Knowledge*, 1858, 11.

<sup>194</sup> *Englishwoman's Journal*, 11 (1863), 133.

<sup>195</sup> The National Association for the Promotion of Social Science, *Report of Proceedings at the Seventh Annual Congress* (Edinburgh, 1863), xxii.

<sup>196</sup> Boyd Hilton, *The Age of Atonement. The Influence of Evangelicalism on Social and Economic Thought 1785–1865* (Oxford, 1988), 268–9, 297.

campaigns after 1854. Mid-Victorian Britain had a distinctive character of its own, compounded of stability, optimism, social solidarity, relative affluence, and liberality. According to the *Englishwoman's Journal*, there was also an 'increasing sense of social responsibility which has set in for some time, and is drawing all classes to itself'.<sup>197</sup> Notwithstanding the Chartists of Birmingham who were called back into existence by the first congress of the SSA, between the class tensions of the Chartist era and the anxieties of the so-called Great Depression from the mid-1870s there was an 'Age of Equipoise'. The confidence of the age may be sensed in the Social Science Association and its ambition to gather a range of social interests in a unitary organisation: 'The various streams and dribbles of improvement were to flow into one channel, and . . . to swell into a tide which would sweep away every impediment, and renovate the face of society.'<sup>198</sup> Thus in 1859 the *Daily News*, itself a product of the new spirit of the 1850s, expressed its 'joy and wonder at the very existence of such an Association. At no former time could it have existed; and it seems to stand at the threshold of a new social period.'<sup>199</sup>

The formation of the Social Science Association may be explained in 'internalist' institutional terms as resulting from the linking of several cognate organisations and professional constituencies sharing a commitment to reform.<sup>200</sup> In the mid-1850s it seemed plausible to draw together organisations focused on legal and penal questions and use them as a basis for a more ambitious voluntary association to stimulate wider social reforms. This would provide a broader audience for law reform in particular, while at the same time uniting a variety of otherwise disparate projects all of which required close knowledge of the law. That a group of well-connected women seeking to change discriminatory laws had need of legal expertise suggested that lawyers acting in the service of reform might fulfil an important and visible social function. But the occasion of the Association's creation, the form it took and the causes it supported were also determined by broader, 'external', socio-political factors. At a time when the public was agitated over the fundamentals of penal policy a new organisation might be able to move opinion in a progressive direction and establish its authority in social questions. In a period notable for the disruption of parliamentary alliances and a consequent stasis in

<sup>197</sup> *Englishwoman's Journal*, 11 (1863), 133.

<sup>198</sup> *Ibid.*, 2 (Oct. 1858), 122–3.

<sup>199</sup> *Daily News*, 18 Oct. 1859, 4.

<sup>200</sup> Eileen Margot Yeo, 'Social Science and Social Change: A Social History of Some Aspects of Social Science and Social Investigation in Britain, 1830–1890' (unpublished DPhil thesis, University of Sussex, 1972), 179.

reform, impetus was required to energise politics and refocus them on social and institutional improvement. If the demise of the Administrative Reform Association showed a diminished appetite for radical attacks on aristocracy, nevertheless the evidence of complacency and failure in the Crimean War imparted an urgency to reform that had been lacking in the early 1850s. Towards the end of a decade notable for social calm and more liberal attitudes there seemed no reason to fear the consequences of institutional renewal as there had been in the 1840s. In an age that celebrated the achievements of natural science in grand annual meetings in different parts of the country, it seemed possible to apply the same model to 'social science' and hope for parallel achievements. These external factors give the Social Science Association representative significance for a generation of social endeavour during a distinctive period of societal equilibrium which the following chapters will seek to investigate.

## CHAPTER 2

### *The Social Science Association and the structure of mid-Victorian politics*

#### I

The Social Science Association was focused on parliament, sought ways of influencing legislation, and applied pressure to ministers. It was founded because the political system was neglecting social issues in the 1850s, and it contributed to the process by which the content of politics and the competence of the state were gradually expanded to include and deal with social questions. The Association has a place, therefore, in the history of parties and politics from the 1850s to the 1880s – specifically, as an element in the process by which politics were popularised in the mid-Victorian period and became more responsive to extra-parliamentary organisations and opinion. At an SSA congress the podium was used by politicians to reach new audiences who, for their part, were eager to be drawn into a political system now responsive to their interests and votes. If Gladstone made legislative reform ‘the main function of government’ after 1868 it owed something to pressure from bodies like the Social Science Association.<sup>1</sup>

It is intrinsic to John Vincent’s classic analysis of Liberal politics in this period that the parties had neither a policy-making function nor competence: these devolved by default on enthusiastic members of a cabinet, often acting with the support of pressure groups or external expertise.<sup>2</sup> The very limitations of this *ad hoc* system of policy formation gave rise to the SSA: at a congress, ministers, bureaucrats, and the local middle-class elites that constituted Victorian ‘public opinion’ were brought together. In the absence of resources for policy-making within government it was here that ideas were aired, formulated, and then, with the help of

An earlier version of this chapter was published as ‘The Social Association, 1857–1886: A Context for Mid-Victorian Liberalism’, *English Historical Review*, 100, 1 (1986), 95–134.

<sup>1</sup> K. T. Hoppen, *The Mid-Victorian Generation, 1846–1886* (Oxford, 1998), 592.

<sup>2</sup> John Vincent, *The Formation of the British Liberal Party, 1857–1868* (1972 edn, Harmondsworth), 57, 272.

sympathetic politicians and bureaucrats, presented to parliament. The many MPs among its membership may never have acted as a phalanx prepared automatically to do the Association's bidding, and the SSA was probably more successful when it had the ear of a leading minister than when it relied on support in parliament. But peers and MPs could be primed and encouraged to back the SSA's position. As one leading bureaucrat wrote to his political mentor in 1864, 'We can give force to our Resolutions thro' the members of the Association who are also M.P.s, for altho' they do not all take an interest in this question, they would support the wishes of the Association.'<sup>3</sup> Institutional pressure and lobbying at the centre was complemented by initiatives from the Association's lay membership in the localities. As the same bureaucrat wrote after the SSA's 1864 congress, 'We had a very large attendance of energetic & influential men who will act upon their M.P.s. I was satisfied with the result.'<sup>4</sup>

For good reason the SSA presented itself as politically neutral: an organisation seeking consistent influence, founded during a period of party-political instability, and offering an open forum, could not identify itself with any single political position. Brougham told Gladstone that the first congress at Birmingham 'will of course be absolutely Catholick as regards Party and Sect',<sup>5</sup> and a year later Hastings insisted 'that nothing can be more fraught with danger to the best interests of the Association than to convert it into a party movement'.<sup>6</sup> According to the *Daily News*, 'It is a neutral ground, where men can talk over great questions without thinking about the two front benches in the House of Commons'.<sup>7</sup> As one member wrote in gratitude to Northcote for his services as President of the 1869 congress, 'I am considered as a rather zealous political partizan and not in the line of the Conservative Party, but I never felt more strongly than at this moment the poverty of mere party distinctions and of how utterly they break down under a common pursuit of the general weal'.<sup>8</sup>

The corollary to this was an unsectarian Association, though at a price, for religious antagonisms placed some issues beyond the SSA's reach. It is at first surprising that the SSA had little impact on one of the most

<sup>3</sup> Sir Walter Crofton to the fourth earl of Carnarvon, 12 Feb. 1864, Herbert MSS, BL Add. MS 60846, ff. 106–7. See also Crofton to Carnarvon, 26 Jan. 1864, *ibid.*, f. 102. Crofton was the former Director of Irish Convict Prisons. They were jointly concerned about clauses regulating the supervision of released convicts in the 1864 Penal Servitude bill then before the Commons. These were indeed changed to their satisfaction. See ch. 5 below, pp. 155–61.

<sup>4</sup> Crofton to Carnarvon, 2 Oct. 1864, BL Add. MS 60847, f. 4.

<sup>5</sup> Brougham to Gladstone, 17 Sept. 1857, Gladstone papers, BL Add. MS 44114, f. 39.

<sup>6</sup> Hastings to Brougham, 22 June 1858, B MSS 19876.

<sup>7</sup> *Daily News*, 5 Oct. 1871, 4. See also *T.1859*, xxviii.

<sup>8</sup> [Anon.], 2 Oct. 1869, Iddesleigh papers, BL Add. MS 50038, ff. 38–9.



important social issues of the era, the development of a national system of elementary education. Yet on those occasions when the subject was debated openly, such as in Bristol in 1869, the discussion gave rise to substantial disagreement over principles and details.<sup>9</sup> The Association's leading spirits had little respect for the 'religious difficulty' that prevented concerted state action. As the future Home Secretary, H. A. Bruce, told the Manchester congress in 1866, 'Education, instead of being discussed on its own merits, has been made the battle-field of religious parties; and the adoption of a real and effective national system has been kept subordinate to the interests or supposed interests of Churchmen and Dissenters.'<sup>10</sup> But to have taken a clear position risked alienating one or more groups. In consequence, the Association merely drew attention to its roles facilitating debate and collecting information.<sup>11</sup> In 1864, in a similar case, the Association declined to take up the issue of university tests, by which dissenters were barred from holding college fellowships at Oxford and Cambridge, for 'it would be touching on party ground'.<sup>12</sup> Interdenominationalism made inclusive debates possible, but it entailed neglecting issues that might fragment the Association on religious lines.

Behind the rhetoric of neutrality, however, was an organisation with many links to mid-Victorian Liberalism. Any organisation dedicated to open debate, broad participation, and the application of reason, based on evidence and enquiry, to social amelioration, could be nothing but liberal in the general sense of the term. The SSA was taken as a model of progressive, participatory procedures by European and American liberals who tried to replicate it in their own countries.<sup>13</sup> It was also Liberal in a party-political sense. Its predecessor, the Law Amendment Society, had included 'a sprinkling of Tories & Conservatives yet the majority are Whigs or Radicals'.<sup>14</sup> So with the SSA: its governing Council numbered approximately 250, of whom approximately one-third were MPs, and of these more than three-quarters were Liberals. In 1862–3, of 78 MPs in a Council of 246, 18 were Tories, 4 were still designated by Dod as 'Liberal-Conservatives', and some 56 were Liberals. In 1867 the relative figures for the 85 MPs in a Council of 266 were 14, 7, and 64.<sup>15</sup> Mark Pattison in his review of the inaugural congress recognised an 'affinity

<sup>9</sup> *T.1869*, 273–99. <sup>10</sup> *T.1866*, 53.

<sup>11</sup> NAPSS [J. L. Clifford-Smith], *A Manual for the Congress with a Narrative of Past Labours and Results* (London, 1882), 93–6. See also *T.1870*, 57.

<sup>12</sup> *T.1867*, 451. (Hastings was recalling discussions three years previously.)

<sup>13</sup> See ch. 11 below, pp. 321–45.

<sup>14</sup> James Stewart to Brougham, 11 Dec. 1848, B MSS, 32810.

<sup>15</sup> *T.1862*, xx–xxii; *T.1867*, xvii–xix.

between the objects of the Association and the professed creed of the Liberal Party':

As social amelioration is the profession of a Liberal Government while resistance is the badge of their opponents, it seems natural that there should be an alliance, or good understanding between the Social Sciences and the Liberal Party . . . Looking over the list of members who joined the first meeting it is easy to see that the Conservatives have stood aloof.<sup>16</sup>

When Sir James Stephen was asked to invite William Whewell, the eminent natural scientist and Master of Trinity College, Cambridge, to participate two years later at the Bradford congress, he doubted if he would succeed in luring a lifelong Tory 'who advocate[d] a tardy, cautious and what is usually called a 'Conservative' advance towards social improvements', and he was correct.<sup>17</sup> As the years went by and the Association built links with men who became ministers its party-political affiliation became more pronounced. When Hastings asked the fifteenth earl of Derby, formerly Lord Stanley, to preside at the 1870 congress, he declined 'giving no reason: but the fact is that that body has become more and more of a Liberal organization and is used to help party purposes'.<sup>18</sup>

The Liberal provincial press welcomed the Association wherever it decamped. The Tory press was more reserved, anxious that the Association should not overlook the achievements of Disraeli's later years.<sup>19</sup> Periodically the SSA was plunged into political controversy at which times its affiliation became clear. In 1867, Lord Dufferin, soon to take his place in Gladstone's first administration, used his position as President of the Belfast congress to call for Irish Disestablishment, and the Association rallied to his defence in the ensuing public exchanges.<sup>20</sup> Conversely, in 1870 the Association expressed its collective displeasure when the Duke of Northumberland, who, as Lord Lovaine, had held positions in Derby's second administration, 'began by talking antediluvianism from the chair' in an assault on Liberal ideals including the extension of the franchise and competitive examinations for public service.<sup>21</sup>

<sup>16</sup> [Mark Pattison], 'The Birmingham Congress', *Fraser's Magazine*, 56 (Nov. 1857), 623.

<sup>17</sup> Sir James Stephen to G. W. Hastings, 6 July 1859 and William Whewell to G. W. Hastings, 6 July 1859, G. W. Hastings collection, Leeds. G. W. Hastings to Sir James Stephen, 5 July 1859, Whewell papers, Trinity College, Cambridge, Add. MS a 206<sup>6</sup>.

<sup>18</sup> Journal of Edward Henry, fifteenth earl of Derby, 28 Feb. 1870, 920 (DER) 15, Liverpool Record Office.

<sup>19</sup> *Edinburgh Evening Courant*, 12 Oct. 1880, 4.

<sup>20</sup> *T.1867*, 1–20. *The Times*, 23 Sept. 1867, 9; *Belfast News-Letter*, 28 Sept. 1867, 3. A. T. Harrison, 'The First Marquess of Dufferin and Ava: Whig, Ulster Landlord and Imperial Statesman' (unpublished DPhil thesis, New University of Ulster, 1983), 203–25.

<sup>21</sup> *Newcastle Daily Chronicle*, 26 Sept. 1870, 2. *T.1870*, 1–23.

Those Conservatives who *were* prominent in 1857 – specifically Stanley, Sir John Pakington, and Sir Charles Adderley as heads of the Departments of Public Health, Education, and Punishment and Reformation respectively – were liberal Conservatives with no great affinity for Derbyite orthodoxy. In the mid-1850s they chafed at the limitations of their creed: they wanted a full-scale elementary education system without respect for an Anglican monopoly; they aimed at being ‘not the least forward party in the country in supporting social reforms and improvement’;<sup>22</sup> they each countenanced secessions ‘into a political middle ground . . . essentially because they were too liberal for their party’.<sup>23</sup> To Mill, Stanley was ‘in a sort of neutral position as to politics, and of a standing and personal position to be looked up to independently of his opinions’.<sup>24</sup> It was widely assumed that he would emerge as a Conservative leader of the future, and to some that offered the reassuring prospect of intelligent centrist views at the head of the party. His extra-parliamentary speechmaking, interest in social questions, and support for liberal causes were alien to the majority of Conservatives, however, and his association with figures like Russell led some to doubt his place in the party as early as the 1850s.<sup>25</sup> In October 1855 Palmerston offered him the post of Colonial Secretary in a Liberal administration: he was eventually to fill the position from 1882–5 in Gladstone’s second ministry, having left Conservatism in 1880. In November 1857, three weeks after the inaugural Birmingham congress, Pakington, writing to him, believed it ‘essential to our being either useful or hopeful as a party, that we should stand on a broad basis. I do not see how I can continue to occupy my seat, unless that is an accepted principle.’<sup>26</sup> Pakington was ‘a Tory without faction’.<sup>27</sup> An accomplished administrator who was variously Colonial Secretary, First Lord of the Admiralty and Secretary for War in minority Conservative ministries, he was an outspoken liberal on many social issues.<sup>28</sup> Since the early 1850s he had made himself a nuisance to Derby and Disraeli, particularly over his party’s resistance to action on elementary education, though more generally in frustration at

<sup>22</sup> Pakington to Stanley, 24 Sept. 1856, 920 (DER) 15.

<sup>23</sup> John Vincent (ed.), *Disraeli, Derby and the Conservative Party. Journals and Memoirs of Edward Henry, Lord Stanley 1849–1869* (Hassocks, 1978), 147.

<sup>24</sup> J. S. Mill to T. B. Potter, 17 Mar. 1864 in *The Later Letters of John Stuart Mill 1849–1873* (ed. F. E. Mineka and D. W. Lindley) (Toronto, 1972), in *Collected Works of John Stuart Mill*, xv, 925.

<sup>25</sup> Angus Hawkins, *Parliament, Party and the Art of Politics in Britain, 1855–59* (London, 1987), 15–16, 48–9, 156, 276–7.

<sup>26</sup> Pakington to Stanley, 5 Nov. 1857, 920 (DER) 15.

<sup>27</sup> *Daily Telegraph*, 14 Oct. 1857, 3.

<sup>28</sup> Richard Aldrich, *Sir John Pakington and National Education* (Univ. of Leeds, 1979), 2.

the absence of a Conservative position on social questions in general.<sup>29</sup> Convinced that full provision of elementary education was beyond the scope of the voluntary denominational societies, and that state action was consequently required, in 1855 and 1857 he introduced bills to establish rate-aided local education boards and free schooling. They were unsuccessful but were later acknowledged as having provided the framework for Forster's Education Act of 1870.<sup>30</sup> He rejected party discipline and told Russell of his desire that men of moderate views in both parties should co-operate in the Commons.<sup>31</sup> In early 1857 Derby had tried to conciliate him in a meeting at Knowsley, though without success.<sup>32</sup> As for Adderley, he 'took a line independent of [his] party, and unsympathetic with them', and was labelled a 'Liberal-Conservative'. In consequence he was to be excluded from Conservative cabinets.<sup>33</sup>

All the 'junior Derbyites' most prominent in the SSA – Stanley, Pakington, Adderley, Northcote, and Sir Fitzroy Kelly – were 'playing to a liberal gallery' in their support for such things as reformatories and law reform.<sup>34</sup> Alongside Shaftesbury and Mannors, 'these men helped to keep alive the flame of Conservative social consciousness' between the repeal of the Corn Laws and the Second Reform Act.<sup>35</sup> Their presence in the SSA was more an affirmation of its essential political Liberalism than of even-handed neutrality.

## II

The SSA contributed to many Liberal careers, especially those of hard-working executive politicians whose competence and expertise drew them into office.<sup>36</sup> H. A. Bruce, G. J. Shaw-Lefevre, and Lyon Playfair were men of this type. Shaw-Lefevre contributed two reports in 1860 to *Trades' Societies and Strikes*, the Association's celebrated enquiry into

<sup>29</sup> Pakington to Disraeli, 7 Jan. 1855, Papers of Sir John Pakington, first Baron Hampton, Hampton MSS, Hereford and Worcester Record Office, BA 3835/7 (ii) 2. Derby to Pakington, 25 Jan. 1855, Hampton MS BA 4732/1 (ii) 30.

<sup>30</sup> Aldrich, *Sir John Pakington*, 4–6.

<sup>31</sup> Pakington to Russell, 25 March 1856, Hampton MS BA 4732/1 (ii) 39.

<sup>32</sup> Hawkins, *Parliament, Party and the Art of Politics*, 49–50. E. D. Steele, *Palmerston and Liberalism 1855–1865* (Cambridge, 1991), 68.

<sup>33</sup> W. S. Childe-Pemberton, *Life of Lord Norton 1814–1905 ... Statesman and Philanthropist* (London, 1909), 141.

<sup>34</sup> Vincent, *Disraeli, Derby and the Conservative Party*, 147.

<sup>35</sup> Paul Smith, *Disraelian Conservatism and Social Reform* (London, 1967), 21.

<sup>36</sup> W. E. Gladstone, *The Gladstone Diaries*, Vol. v, 1855–60 (ed. H. C. G. Matthew) (Oxford, 1978), 'Introduction', xlvii.

Victorian trade unionism.<sup>37</sup> He played a central role in its advocacy of a Married Women's Property Act in 1869–70 and presided at the SSA's final congress in 1884. Playfair was President of the Education and Public Health Departments in 1870 and 1874 respectively. Bruce presided over the Education Department in 1866 and over the whole congress in 1875. The cultivation of rising men of business likely to be sympathetic when they reached high office was an important aspect of the Association's *modus operandi*.

Henry Fawcett, Professor of Political Economy at Cambridge, Liberal MP from 1865 and Postmaster General in Gladstone's second administration was actually launched on his political career by success at the SSA. The impression made by two papers at the Bradford congress in October 1859, only a year after he had been blinded in a shooting accident, won him several admirers who 'were so impressed by his abilities as to consider the possibility of procuring an invitation for him to stand for some Northern borough'.<sup>38</sup> A year later, in November 1860, following his contributions to the Glasgow congress in the previous month, 'with singular audacity he proposed himself as a candidate for the borough of Southwark . . . He brought a letter from Brougham, who had seen him at the Social Science Association'.<sup>39</sup> Fawcett delivered four papers to the SSA, the last, in 1868, as President of the Department of Economy and Trade. He attended most congresses in the 1860s, insinuated himself onto important committees, and developed a reputation as an expert on industrial relations. He garnered more than merely political patronage through this activity. At Bradford he met and impressed Thomas Hare, the proponent of electoral reform, and through Hare became intimate with J. S. Mill.<sup>40</sup> According to *The Times*, 'self-seeking men' found social science 'the surest road to personal reputation'.<sup>41</sup> *Blackwood's Magazine*, always hostile to the Association in its backwoods Tory way, contemptuously linked it with 'a crowd of ambitious and active individuals, who climb up out of respectable chaos, by that shining

<sup>37</sup> *Trades' Societies and Strikes. Report of the Committee on Trades' Societies, Appointed by the National Association for the Promotion of Social Science* (London, 1860).

<sup>38</sup> Leslie Stephen, *Life of Henry Fawcett* (London, 1885), 184. H. Fawcett, 'The Theory and Tendency of Strikes' and 'The Protection of Labour Against Immigration', *T. 1859*, 635–40, 704–5.

<sup>39</sup> [Leslie Stephen], 'Henry Fawcett', *Dictionary of National Biography*, xviii, 254. Fawcett to Brougham, 7, 10, 17 Nov. 1860, B MSS, 14273–5.

<sup>40</sup> J. S. Mill to Thomas Hare, 30 Oct. 1859, *Later Letters of J. S. Mill*, 642. Lawrence Goldman, 'Henry Fawcett and the Social Science Association: Liberal Politics, Political Economy and the Working Class in Mid-Victorian Britain' in Lawrence Goldman (ed.), *The Blind Victorian. Henry Fawcett and British Liberalism* (Cambridge, 1989), 147–79.

<sup>41</sup> *The Times*, 25 Sept. 1882, 7.

ladder of Public Beneficence and Universal Charity'.<sup>42</sup> It was an accurate assessment of the SSA's place in furthering Liberal careers.

The Association was also representative of the sections of the political nation that we associate with the mid-Victorian process of Liberal coalescence. The majority of SSA members were drawn from the middle classes – as the *Glasgow Herald* put it in 1874, 'The Social Science Congress is a middle-class institution and its leaders represent middle-class instincts and sentiments'<sup>43</sup> – and the Association, in its very structure, was responsive to their interests. The industrial and commercial bourgeoisie went to the Department of Social Economy; young lawyers to the Jurisprudence Department; doctors to the Public Health section. According to Pattison, instead of applying 'intrusive philanthropy' to the working class,

The middle class who here meet together may use it as an opportunity of studying their own position and learning their own duties. Let us take care of ourselves. Let the middle class lay aside their own class follies, and reform their silly extravagances. Let us reform our domestic arrangements, our houses, our water supply, our schools and universities. Let us take care that our knowledge is more profound, more accurate, more complete.<sup>44</sup>

The SSA was to have influence over protective legislation for the middle classes in the 1860s and 1870s: changes to commercial law, and laws governing married women's property, public health, and penal reform all made the world safer for, and more open to, the Victorian bourgeoisie.

In its debates on trade unionism the SSA played host to another component of the new Liberal coalition, the 'labour aristocracy' as represented by some of the leading trade unionists of the period, among them William Newton, who with William Allan founded the Amalgamated Society of Engineers in 1851; Alexander Campbell, the Owenite and leader of the Glasgow Trades' Council which he helped organise in 1858; T.J. Dunning, secretary of the London Consolidated Society of Bookbinders from 1840–1871, and described by the Webbs as 'one of the ablest trade unionists of his time';<sup>45</sup> William Dronfield, secretary of the Sheffield Association of Organised Trades and among 'the most noteworthy' of provincial organisers;<sup>46</sup> Alexander MacDonald, president of the Miners' National Association and one of the first working men elected to parliament;<sup>47</sup> and Robert Applegarth, secretary of the Amalgamated

<sup>42</sup> [Margaret Oliphant] 'Social Science', *Blackwood's Edinburgh Magazine*, 88 (Dec. 1860), 703.

<sup>43</sup> *Glasgow Herald*, 5 Oct. 1874, 4.      <sup>44</sup> Pattison, 'The Birmingham Congress', 625–6.

<sup>45</sup> Sidney and Beatrice Webb, *History of Trade Unionism* (1894) (London, 1920 edn), 188n.

<sup>46</sup> *Ibid.*, 240.      <sup>47</sup> *Ibid.*, 302.

Society of Carpenters and Joiners from 1862 to 1871, who was engaged by the SSA in attempts to conciliate industrial disputes.<sup>48</sup>

In bringing together Liberal MPs, trade unionists, 'advanced' employers like Samuel Morley and Samuel Courtauld (who was present at the SSA's foundation), and that distinctive group of intellectual 'friends of labour', largely drawn from the Christian Socialists and Positivists, the SSA helped cement the set of inter-class relations that constituted the distinctive Lib-Lab politics of the period. The Association used this coalition of classes in promoting formalised procedures for the arbitration and conciliation of industrial disputes as a practical exemplification of the class harmony it sought. Each congress, meanwhile, had its attendant 'Working Men's Meeting' attracting thousands of artisans to social pageants affirming the 'respectability' of the mid-Victorian working classes and hence their entitlement to political recognition. As Philip Rathbone, son of William Rathbone, MP for Liverpool and friend of Gladstone, explained to Brougham in 1858,

The operatives themselves have through various channels expressed their great anxiety to have some opportunity of showing their interest in the proceedings of an Association which occupies itself to so great a degree with their interests, and of expressing personally their gratitude to those to whose efforts their class is so greatly indebted.<sup>49</sup>

Held in the Royal Amphitheatre in Liverpool, attended by over four thousand, and addressed by Brougham, Russell, Shaftesbury, Carlisle, and Sandon, the first working men's meeting was a great success for the Association.<sup>50</sup> According to Carlisle, '[the workers'] attention, demeanour & enthusiasm were most striking'.<sup>51</sup> When Shaftesbury addressed this meeting, 'the reception, before and after speaking, that the working men gave me, I shall never forget, nor will anyone else who saw and heard it!' Eight years later at Manchester in 1866, he chaired a similar meeting in the Free Trade Hall: 'Seven thousand people; a glorious sight, and most successful.'<sup>52</sup> In 1863, the Queen's second son, Prince Alfred, who had been dispatched to the congress for a week's political education was guest of honour at the Edinburgh Working

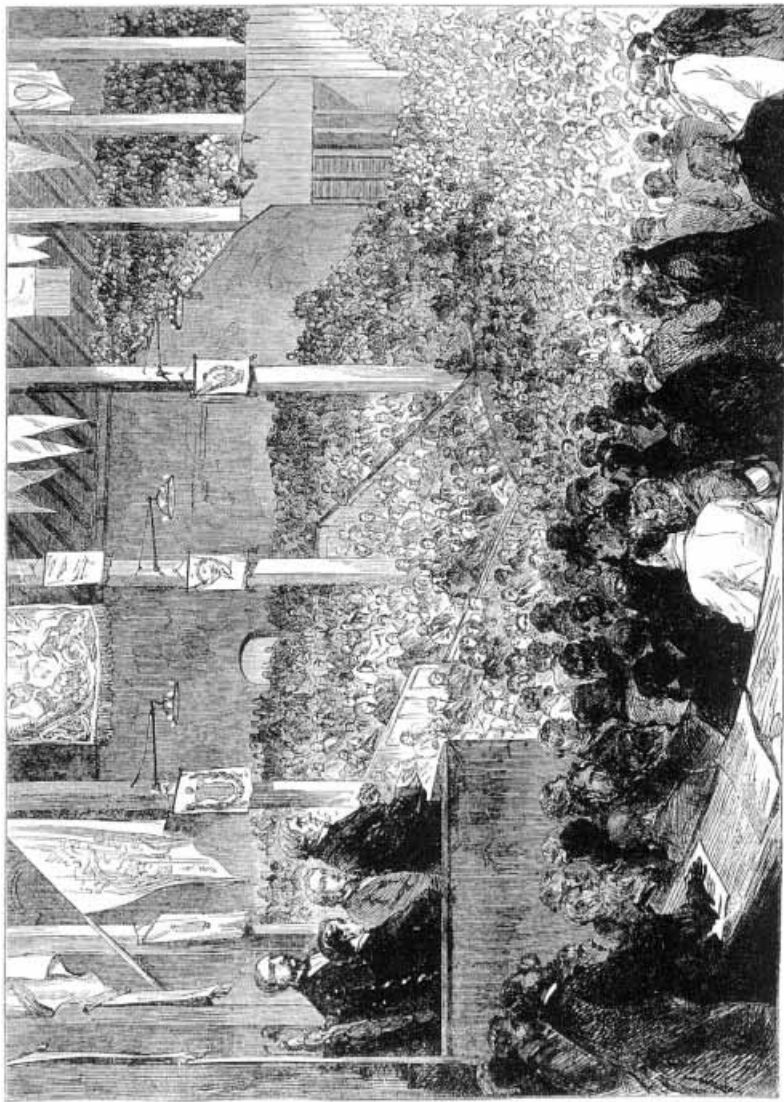
<sup>48</sup> For the involvement of these trade union leaders in the SSA, see ch. 7, 201–35.

<sup>49</sup> P. H. Rathbone to Brougham, 15 Sept. 1858, B MSS, 21851.

<sup>50</sup> *The Times*, 16 Oct. 1858, 8; *Daily News*, 16 Oct. 1858, 3.

<sup>51</sup> Diaries of George William Frederick Howard, seventh earl of Carlisle, Castle Howard MSS, J 19/8/36, Dec. 1857–8.

<sup>52</sup> Journal of the seventh earl of Shaftesbury, 30 Oct. 1858, 5 Oct. 1866, Shaftesbury (Broadlands) Papers, SHA/PD/7, 8, University of Southampton.



2. 'Great gathering of working men in the Circus – Lord Brougham, Chairman, addressing the meeting' (Edinburgh, 1863).



Men's Meeting. For their part, the 'stalwart artisans, once so mistrusted by their rulers and misrepresented by their foes, exhibited a demeanour of which their friends might well be proud'.<sup>53</sup> Year after year, the Association's leaders lectured to massed representatives of the working class and the working men cheered their literal lords and masters for patronising them in theatrical manifestations of the working-class compliance and social solidarity we associate with the 'Age of Equipoise'.

Such orchestrated demonstrations of affection for aristocracy were not to all tastes: as Bright wrote to Cobden, 'Don't you observe how our "great" men run into sanitary reforms and social science oratory, fearing to touch politics at all?'<sup>54</sup> But as Searle has argued, the SSA's orchestrated attempts at fostering social integration by bringing together different interests and classes had utility for the Association and for the groups thus co-opted, as well. Government was more likely to accept an initiative subjected to the scrutiny of the Association and tested in debate, which therefore represented a consensus among relevant parties, than the nostrums or crotchets of any single interest.<sup>55</sup> The following generation of radicals, the 'university liberals' of the 1860s, were more enthusiastic, at least initially. The Association held out the prospect of uniting in John Morley's formula of 1867, 'Brains and Numbers'.<sup>56</sup> Of twenty-one 'reform essayists' who contributed to *Essays on Reform* and *Questions for a Reformed Parliament* – those symbolic texts of generational discontent in 1867 – ten had contributed papers to the SSA.<sup>57</sup> The Association's investigations offered a way of getting 'into relations with the trade societies' and of learning about the working class more generally, as Ludlow wrote to Maurice after the Bradford congress in 1859.<sup>58</sup> Frederic Harrison acclaimed *Trades' Societies and Strikes*: 'Let it be the first book you read. It seems to me the best collection for obtaining a

<sup>53</sup> *Daily Telegraph*, 12 Oct. 1863, 5. Prince Albert was accompanied by Prince William of Hesse. See Alfred's governor, Major (later Sir) John Cowell to Sir Charles Phipps, Keeper of the Privy Purse, 9, 14 Oct. 1863. Royal Archives, Windsor, RA Add. A20/449, 450.

<sup>54</sup> John Bright to Richard Cobden, Cobden papers, 1858, BL Add. MS 43384, f. 142.

<sup>55</sup> G. R. Searle, *Entrepreneurial Politics in Mid-Victorian Britain* (Oxford, 1993), 198–201.

<sup>56</sup> 'The extreme advanced party is likely for the future to have on its side the most highly cultivated intellect of the nation, and the contest will lie between brains and numbers on one side, and wealth, rank, vested interest, possession in short, on the other', *Fortnightly Review*, 1, n. s. (1867), 492.

<sup>57</sup> G. C. Brodrick, Richard Holt Hutton, Lord Houghton (Richard Monckton Milnes), John Boyd Kinnear, Goldwin Smith, F. H. Hill, Godfrey Lushington, Frederic Harrison, J. Thorold Rogers, and J. M. Ludlow.

<sup>58</sup> J. M. Ludlow to F. D. Maurice, 19 Oct. 1859, J. M. Ludlow papers, Cambridge University Library, Add. 7348/17/33.

knowledge of the actual ways and wants of the industrial classes.<sup>59</sup> By the 1870s the 'lights of liberalism' had deserted the SSA – indeed, Harrison's enthusiasm had turned to contempt<sup>60</sup> – for their campaigns during the American Civil War and the Reform Act debates had taken them beyond the moderate Liberal consensus of the SSA. But in the late 1850s and early 1860s the SSA, and particularly the research and debates associated with its Committee on Trades' Societies and Strikes, gave them access to the respectable working class and promised thoroughgoing social regeneration.

### III

The SSA must therefore be placed in a new 'structure of politics' which emerged in the 1850s and 1860s. Its creation was a consequence of changes caused by new technologies and means of communication on the one side, and autonomous social trends which were constructing an enlarged, politically aware public whose economic power and votes demanded they be integrated into the prevailing institutions of aristocratic politics on the other. This new structure had a social dimension, as hitherto excluded groups were brought into political life, and also a geographical dimension as politics reached out from the closed worlds of Westminster and the 'power houses' of the landed class to reach the provinces and their prosperous cities. In this way politics were 'nationalised'.

New technologies served to inform the growing political nation and to bring together party leaders and supporters. The railway made centres of population accessible, and brought participants from all over Britain to the annual congresses of the SSA. This was an age in which peripatetic organisations using improved communications built national constituencies.<sup>61</sup> It also made possible the speaking tours that figures like Gladstone undertook in the early 1860s and it has been argued that Gladstone's power subsequently rested on 'a rhetorical base'.<sup>62</sup> Once among their supporters, the grandees' speeches were spread through region and nation by the booming mid-Victorian press. A flourishing Liberal provincial press certainly existed before 1855 but the removal

<sup>59</sup> Frederic Harrison, *Autobiographic Memoirs*, (2 vols., London, 1911), vol. 1, 1831–1870, 254.

<sup>60</sup> Harrison, *Autobiographic Memoirs*, 1, 268, 278.

<sup>61</sup> J. Morrell and A. Thackray, *Gentlemen of Science. Early Years of the British Association for the Advancement of Science* (Oxford, 1981), 9.

<sup>62</sup> H. C. G. Matthew, *Gladstone 1875–1898* (Oxford, 1995), 93.

of stamp duty in that year in a period of affluence made newspapers of quality more affordable.<sup>63</sup> Improvements in the technology of printing made possible the production of hundreds of thousands of daily newspapers for an expanding market.<sup>64</sup> In conformity with their readers' desire to join the expanding political culture, the papers printed the speeches of political leaders verbatim. The result was a type of 'virtuous circle' of communication and participation, as the railway, mass meetings, printing presses, and newspapers integrated newly aspirant sections of the political nation, met their demand for enlightenment, and elevated public debate.<sup>65</sup> At the conclusion of the Glasgow congress Hastings 'could not help referring to the advantages that had arisen to the Association from the publication of the proceedings in the newspapers . . . It was absolutely astonishing to find that they should have each morning been able to read in penny papers the proceedings of the previous day.'<sup>66</sup>

This regional and national coverage was ideal for an organisation that mediated between different groups. The SSA explicitly sought to embrace all social interests at a time when intellectual debate on the consequences of broadening the political nation was at its most intense and the sections of the Liberal Party were in process of consolidation. For many historians of these processes, Gladstone's political persona holds the key. With Westminster on one side and a mass electorate on the other, Gladstone, it has been argued, became the focus for a new style of popular politics, and, thereby, the link that brought the two sides together in the 1860s.<sup>67</sup> But if the key to the political structure of the 1860s was a process of mediation between parliament and the political nation, then it can be appreciated that the SSA played a comparable mediatory role as a forum for national debate. In the words of *The Times*, it supplied 'the connecting link between the machinery which executes the work and the power of opinion and political organization which sets the wheels in motion'.<sup>68</sup> Gladstone constructed a national reputation in the process of bridging provincial and metropolitan elites, a process held to be intrinsic to the Liberal emergence of the 1860s.<sup>69</sup> But what are we to make in this context of an Association whose five departments met bi-weekly in

<sup>63</sup> M. Taylor, *The Decline of British Radicalism, 1847-1860* (Oxford, 1995), 356-66.

<sup>64</sup> G. Kitson Clark, *An Expanding Society. Britain 1830-1900* (Cambridge, 1967), 87.

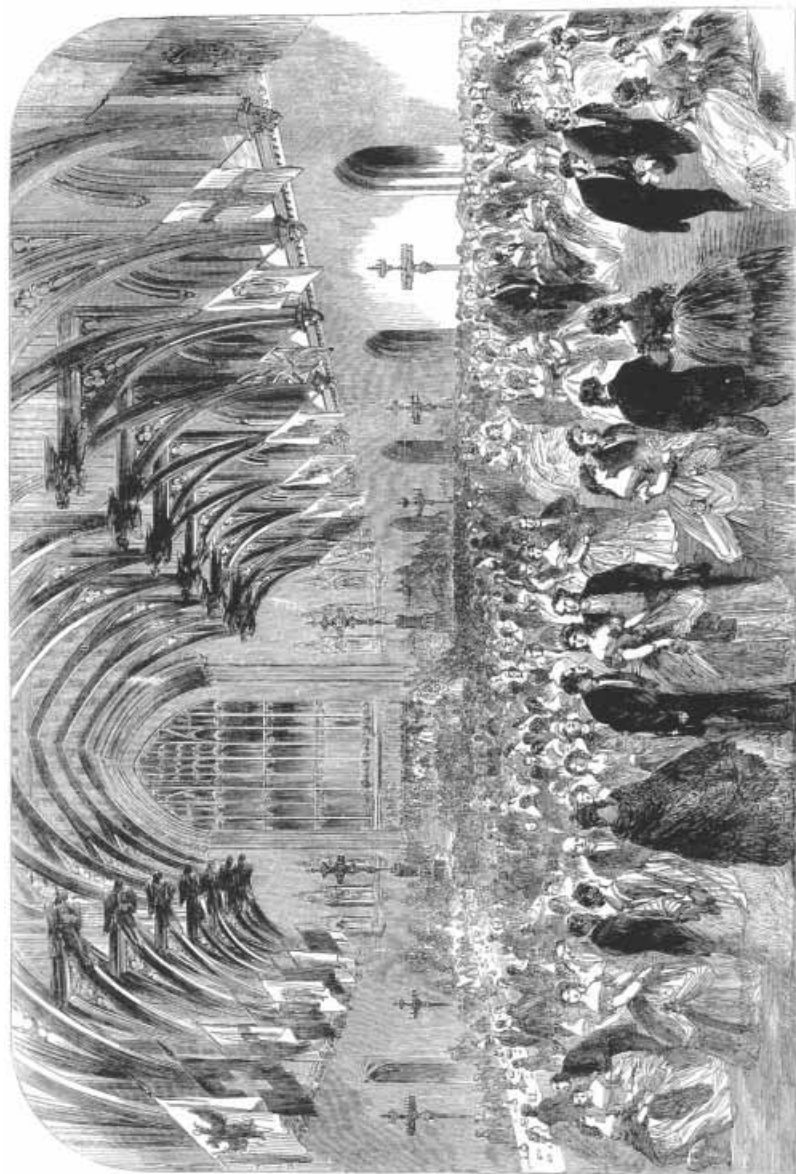
<sup>65</sup> *Ibid.*, 136. Colin Matthew, 'Public Life and Politics' in Colin Matthew (ed.), *The Nineteenth Century. The British Isles: 1815-1901* (Oxford, 2000), 86-8. Alan J. Lee, *The Origins of the Popular Press in England* (London, 1976), 290.

<sup>66</sup> *Glasgow Daily Herald*, 1 Oct. 1860, 7.

<sup>67</sup> Vincent, *Formation of the British Liberal Party*, 33, 40, 260.

<sup>69</sup> Matthew, 'Introduction', *The Gladstone Diaries*, v, xxxviii.

<sup>68</sup> *The Times*, 13 Oct. 1857, 6.



3. 'Soirée of the Social Science Association at Westminster Hall' (London, 1862).

London during the parliamentary session; which held annual meetings in all the great provincial cities – in Birmingham (1857), Liverpool (1858), Bradford (1859), Glasgow (1860), Dublin (1861), and so on – and to which came national political figures to capture appreciative provincial audiences? The SSA was taken to be an institutional recognition of the claims of the provinces: as the *Birmingham Daily Press* proudly explained in 1857,

On the other side of the Channel, Paris is France, but no such rule applies with us. Here Birmingham, Manchester, Liverpool, Glasgow, and other great towns must be asked their opinion before the nation will adopt the views of however great a man will put them forward. The Association for the Promotion of Social Science has been founded by men who are well aware of this truth, and they have come to Birmingham as the first step in a great national progress.<sup>70</sup>

The SSA brought ‘great men’ to the provinces, and, in turn, brought the provinces to town, to the very seat of power. In 1862 as part of the London congress, on a unique and symbolic occasion, the SSA was allowed to hold a *soirée* for eight thousand people in the Palace of Westminster itself. Permission was granted ‘with the proviso that no other society is to use it as a precedent’.<sup>71</sup> As *The Times* explained, ‘Such a privilege is wholly without precedent and the Association may justly feel that in the reception halls which the nation placed at its disposal they exhibited, in a marked manner, their admiration and sympathy for the work in which it is engaged.’<sup>72</sup>

The symbolism of the occasion could hardly be missed. According to *The Spectator*, ‘For the first time the volunteer legislators of Great Britain assembled in the halls consecrated to regular legislative business and boldly took possession of the House of Commons.’ The Association had commandeered the institutions of state, led by ‘King Brougham and his trusty ministers’, a sort of shadow executive, and ‘Legislators, ministers, peers, bishops and archbishops, were drawn with irresistible force into the whirlpool of social science.’<sup>73</sup> The list of participants was impressive.<sup>74</sup> But what really caught the eye of the press was a ‘House of Commons . . . crammed to suffocation, the green benches being filled with an enthusiastic multitude from the floor to the ceiling’, and the Treasury Bench ‘entirely occupied by a group of very determined-looking Social Science ladies’.<sup>75</sup> There could be no more suggestive evocation of the place and pretensions of the SSA: this was popular

<sup>70</sup> *Birmingham Daily Press*, 15 Oct. 1857, 2.      <sup>71</sup> *T.1862*, xxxviii; *Daily Telegraph*, 4 June 1862, 4.

<sup>72</sup> *The Times*, 9 June 1862, 9.      <sup>73</sup> *The Spectator*, 14 June 1862, 657.

<sup>74</sup> *Morning Post*, 9 June 1862, 2.

<sup>75</sup> *The Spectator*, 14 June 1862, 657. *Daily Telegraph*, 9 June 1862, 2.

Liberalism making good its claim to recognition and representation in the most overt fashion.

The Social Science Association may be said to have filled the gap between the 'high politics' of cabinet and parliament and the 'low politics' of local interest and activism. The distance between these two spheres was narrowing in the mid-nineteenth century and the Association was an exemplification of national political consolidation, which it further accelerated. According to the *Morning Chronicle*, 'At these meetings men of different grades are brought together and look each other in the face . . . If the Upper Ten Thousand are really so selfish, why, it will be asked, do they trouble themselves thus about the condition of the Lower Ten Million?'<sup>76</sup> At an SSA congress local and national elites and local and national issues were fused.

Given his role in these processes of mediation it is not surprising that Gladstone was the SSA's favourite statesman.<sup>77</sup> He was invited unsuccessfully to Birmingham in 1857: Brougham assured him that he 'would have the means of rendering essential, I will say, invaluable service, to the great cause of social improvement. I have undergone all this because it seems likely to do good – and I now press the same duty on you in my desire that you should for a day or two desert Homer.'<sup>78</sup> Before the 1860 congress Brougham tried to lure him to Glasgow with talk of 'the delight to 1000s' his presence would confer: after it was over he assured him that he 'would have had a most brilliant reception' if he had made the journey north for the Working Men's Meeting. And in October 1864, after the congress in York, Brougham was 'most happy to tell you how well your name was received in all our discussions at the Congress'.<sup>79</sup>

Gladstone did visit the Social Science Association when it was in Liverpool in 1858 and Edinburgh in 1863, although on both occasions the manner of his participation was curious. He awarded prizes to the successful candidates for the so-called Oxford Middle Class Examinations in 1858 – an experiment supported by the SSA as a stimulus to the improvement of secondary education – in the great St George's Hall in his home city. He shared the platform with such SSA notables as the earl of Carlisle, then Lord Lieutenant of Ireland, who took the chair, and

<sup>76</sup> *Morning Chronicle*, 15 Oct. 1859, 4.

<sup>77</sup> For a more detailed discussion of Gladstone's relations with the SSA see Lawrence Goldman, 'The Social Science Association, 1857–1886: A Context for Mid-Victorian Liberalism', *English Historical Review* (1986), 114–26.

<sup>78</sup> Brougham to Gladstone, 17 Sept. 1857, BL Add. MS 44114, ff. 38–9.

<sup>79</sup> Brougham to Gladstone, 26 June 1860, 'Sept. 1860', 2 Oct. 1864, BL Add. MS 44114, ff. 227, 243, 373. Hastings to Brougham, 7 March, 17 April, 14 Sept. 1860, B MSS, 13001, 13002, 7661.

W. F. Cowper MP. But Carlisle did not mistake the main attraction: 'it was again an immense meeting, much augmented, no doubt, by Gladstone being there for the first time during the week'.<sup>80</sup> That evening he presided at a concert for working men which drew an audience of three thousand to hear a flight of Gladstonian eloquence in the interval, evidently aimed at demonstrating that his capacity to fascinate the working class was at least equal to that of the five aristocratic luminaries who had addressed the SSA's first Working Men's Meeting earlier in the week.<sup>81</sup> And then he was gone, having captured the attention of the local and national press and dominated the day's proceedings.<sup>82</sup>

A similar pattern followed in 1863. Before his arrival the papers were full of his impending visit: once in Edinburgh they plotted his moves. He saw Brougham, lunched with Lyon Playfair and Prince Alfred, attended a meeting of the University Court as Rector, dined at a banquet given by the Royal College of Physicians for 'the distinguished members of the Social Science Association',<sup>83</sup> made a speech, and then took the train to London for a cabinet meeting on the following morning.<sup>84</sup> On each occasion he stole the limelight, upstaged the other notables, went far enough to identify himself with the SSA, but, as at least one newspaper noted, never directly engaged in its affairs.<sup>85</sup> This behaviour – a studied ambivalence that avoided making commitments and defining affiliations – fits the image we have of Gladstone as Peelite gradually metamorphosed into Liberal; as the 'executive politician' with a long list of projects to accomplish discovered the existence of a public out-of-doors that was focusing on his political persona. When he came to the SSA he was, with characteristic Gladstonian calculation, promoting his candidature above that of Russell, or Stanley, or any other potential rival, to lead whatever popular constituency was emerging.

Eventually a Gladstone who had accepted his new political role and learnt how to use his extra-parliamentary following, came openly to the SSA as the acknowledged 'foremost statesman of the day'.<sup>86</sup> In July 1868, months before becoming Prime Minister for the first time, he presided over a remarkable meeting<sup>87</sup> of the Association, convened to set up a committee, of which he was titular chairman, 'to diffuse information as

<sup>80</sup> Diaries of George William Frederick Howard, seventh earl of Carlisle, 16 Oct. 1858, Castle Howard MSS, J19/8/36.

<sup>81</sup> *Morning Post*, 19 Oct. 1858, 2.

<sup>82</sup> *Liverpool Daily Post*, 18 Oct. 1858, 8. See also *The Times*, 19 Oct. 1858, 7.

<sup>83</sup> *The Scotsman*, 13 Oct. 1863, 2.

<sup>84</sup> *The Gladstone Diaries*, VI (1861–8), 11–12 Oct. 1863, 230–1.

<sup>85</sup> *Daily Telegraph*, 20 Oct. 1858, 4.

<sup>86</sup> *The Bee-Hive*, 11 July 1868, 4.

<sup>87</sup> Matthew, 'Introduction', *The Gladstone Diaries*, v, xli.

to the natural laws regulating the rate of wages and the demand for and supply of labour, and to promote industrial partnerships and the formation of courts of conciliation'.<sup>88</sup> The resulting Committee on Labour and Capital marked the climax of the Association's involvement with the labour question; it intervened in several industrial disputes in the following years. But the meeting is important not only because Gladstone used it to develop in public a benevolent approach to the organised working class, but also because it symbolised the Association's attachment to social integration. In one room sat the future Prime Minister and several Liberal MPs including Cowper, Shaw-Lefevre, Thomas Hughes, and H. C. Liddell; 'advanced' employers like A. J. Mundella and Thomas Brassey; G. J. Holyoake, Lloyd Jones, James Hole, and Edward Greening for the co-operative movement; William Allan and Robert Applegarth for the trade unions; Frederic Harrison, J. M. Ludlow, and Vernon Lushington representing the 'friends of labour', and John Ruskin, the enemy of orthodox political economy. The SSA thrived on such displays of social solidarity, even if the debate on the place of labour in orthodox economic discourse grew sharp and anxious. Here Gladstone was seen to preside over the sections that constituted mid-Victorian Liberalism.<sup>89</sup>

To understand the Liberal coalescence between 1855 and 1868 it is necessary to pay attention to forums like the SSA where a popular Liberalism, defining itself by a commitment to policy, to 'measures', found expression. As M. D. Hill observed to Brougham in 1859, 'Formerly no questions but those connected with party ever strenuously occupied the public mind. Now such topics have to contend in public interest with social questions.'<sup>90</sup> It is here that the present argument would modify current orthodoxy. It has often been argued that 'measures', whether actual or potential, were not a factor in consolidating the Liberal party. There is something faintly metaphysical in the explanation therefore provided for the developing rapport between Gladstone and the sections: an unwilling leader whose candidacy was promoted by others, notably Bright, in the mid-1860s, was adopted by a swathe of opinion and a variety of groups who held contradictory impressions of their hero, and who were predominantly concerned with recognition by, and incorporation into, the political nation. Liberal identification had predominantly local sources,

<sup>88</sup> *SP* 1867-8, 389.

<sup>89</sup> *SP* 1867-8, 389-432. *The Times*, 6 July 1868, 6; July 7, 1868, 7. *Daily News*, 6 July 1868, 4, 5. See ch. 7.

<sup>90</sup> M. D. Hill to Brougham, 27 Feb. 1859, B MSS, 6915.



Liberal MPs were good-natured time-servers. It is a picture of politics as a process of collective self-assertion, a politics of recognition, rather than a politics translatable into measures. It ignores the intense expectation of reform that marked the late 1850s and early 1860s, and out of which the SSA emerged. If the history of the failure of late-nineteenth-century Liberalism – starting, indeed, in 1868 – is generally written in terms of its inability to provide policies on education, religion, trade unionism, Ireland, and other questions acceptable to its supporters, then it may be logical to write the history of the party's creation in terms of the importance of a Liberalism publicly associated with a determination to do the 'great things' Gladstone told Samuel Wilberforce in 1857 he wanted to set about.<sup>91</sup> We must pay as much attention to these expectations in the 1860s as we have paid to their deflation after 1870. To support and vote for Gladstone was not just an affirmation of social acceptance; it was also an expression of support for the efficient use of the legislature by the executive, and for reform. Gladstone in the 1860s was the potent focus for an attitude to public business and social affairs that the SSA embodied.

Many of the public figures at the SSA demonstrated a similar consciousness of the importance of a mature public opinion. Sir James Stephen recognised at the Liverpool congress 'how great is the homage which the democracy are demanding and how liberally that demand is assented to by the more active and stirring part of our aristocracy'.<sup>92</sup> Aristocratic assent owed much to the advantages that participation in the Association conferred: any politician paying homage to the democracy at an SSA congress secured support in the provinces and authority when returning to Westminster. Russell went to the Association in 1857 and 1858 after his resignation from the cabinet in 1855 and temporary eclipse, with the aim of rebuilding his reputation.<sup>93</sup> He would demonstrate his rapport with the people to former colleagues in the Palmerston ministry. His address at Birmingham was taken as a political reawakening after two years in the shadows.<sup>94</sup> Public acclaim had political utility: as Shaftesbury wrote in his journal after his 'miraculous success' in

<sup>91</sup> Matthew, 'Introduction', *The Gladstone Diaries*, v, xxv–xxvi; 'Introduction', *The Gladstone Diaries*, vii, xxxi, lii.

<sup>92</sup> Sir James Stephen to William Whewell, 5 July 1859, Whewell Papers, Add. MS a 207.

<sup>93</sup> John Vincent, 'The Parliamentary Dimension of the Crimean War', *Transactions of the Royal Historical Society*, 5th ser., 31 (1981), 44–9; Hawkins, *Parliament, Party and the Art of Politics*, 33–4, 269–71.

<sup>94</sup> *The Spectator*, 24 Oct. 1857, 1110. *Birmingham Daily Press*, 17 Oct. 1857, 3. *Daily News*, 17 Oct. 1857, 3. Stephen Koss, *The Rise and Fall of the Political Press in Britain*. Vol. 1: *The Nineteenth Century* (London, 1981), 111–20.

Manchester in 1866, 'My power to do good depends on the belief that people entertain of my possessing the confidence & love of the masses'.<sup>95</sup>

The simultaneous consolidation of the Liberal Party and the Social Science Association were institutionally separate but related responses to the political instabilities and the reforming stasis of the mid-century. The SSA was responsive to the same changes in the technology and media of politics that made popular Liberalism possible. It also tried to mediate between interests and between regions, so to construct a progressive coalition for social reform and draw together the elements of an expanded political nation. It was brought into being and sustained by the same processes that made Victorian Liberalism possible and it contributed to the popular political culture established in the 1860s.

#### IV

This parallelism between the SSA and the Liberal Party in process of consolidation can be extended beyond 1868 as well. The Association was founded in 1857 – the year chosen by Vincent to begin his study of the formation of the Liberal Party – and it ceased to meet in April 1886 at the height of the first Home Rule crisis as Gladstone's party fragmented. Its two most prominent officials, G. W. Hastings and John Westlake, were both Liberal MPs in 1886 and seceded into Liberal Unionism. There is a pattern to the history of the Social Science Association: it can be identified with the political fortunes of a generation who came to political maturity in the 1850s, and it mirrored the ebb and flow of the Liberal Party more generally.

During its first decade the Association was producing ideas for institutional reform, an alternative parliament debating issues that formal political and administrative structures were failing to address during the Palmerstonian quiescence. Historians have sometimes dismissed the Age of Equipoise as a period devoid of 'constructive legislation on social problems'.<sup>96</sup> But below the surface of politics the ideas that were to dominate the next phase were taking shape. Many of the Liberal reforms after 1868 had evidently 'been planned and debated since at least the early 1850s'.<sup>97</sup> Criticism of the inefficiencies of parliament and the executive in the 1850s led to the more frequent use of Royal Commissions to investigate social issues in the 1860s, and hence to legislation based on their

<sup>95</sup> Shaftesbury, Journal, 12 Oct. 1866, Shaftesbury (Broadlands) papers, SHA/PD/8.

<sup>96</sup> Valerie Cromwell, 'Interpretations of Nineteenth Century Administration: An Analysis', *Victorian Studies*, 9 (March 1966), 254.

<sup>97</sup> D. A. Hamer, *Liberal Politics in the Age of Gladstone and Rosebery. A Study in Leadership and Policy* (Oxford, 1972), 38.

findings at the end of the decade.<sup>98</sup> In the 1860s 'knowledge was being accumulated' and 'the will to use it was gathering force'.<sup>99</sup> Debating, planning, and accumulating information were the Association's *raison d'être* in its early years.

During the first Gladstone administration when many of its ideas found legislative embodiment, the SSA was less an informal parliament and more a watchful lobbyist. The congresses of 1869, 1870, and 1871 were less well attended, the leading Liberals absent, their time taken up with the actual business of government. The Association became more metropolitan in orientation with the frequent dispatch of deputations clutching blueprints for the desired legislation to ministers. As *The Lancet* remarked in 1868, the Association had 'reached a maturity which has made its utterances felt and obeyed in the legislative council of the country'.<sup>100</sup> Its Department for Jurisprudence could point to the 1870 Married Women's Property Act; its Education Department to the 1869 Endowed Schools Act. The Department for Public Health was largely responsible for the Royal Commission on the Sanitary Acts 1869-71. The trade union legislation of 1871 owed little to the direct influence of the SSA but much to the change in tone that the Association had encouraged. And the Association's remedies for the control of crime were embodied in the Habitual Criminals Act of 1869 and the Prevention of Crimes Act two years later. The Association's close relations with Liberal ministers who had previously attended its meetings smoothed its way into the inner circles at the end of the 1860s. Ministers were more compliant than at any other stage in the Association's history for cabinet members, including Bruce, Lowe, Ripon, and Hatherley, the Lord Chancellor (who as Sir William Page Wood had presided over the Jurisprudence Department at the 1859 congress), had been involved previously with the SSA and Law Amendment Society. In the most significant case, examined below in regard to penal policy, the Association had the ear of the Home Secretary, H. A. Bruce.<sup>101</sup> As *The Times* pronounced in 1874,

The Social Science Association, after a wild and stormy youth, now seems to have sown many of its wild oats, and to be quietly settling down into a steady and sedate maturity. If it has abated none of its vague and magnificent aims, it has at least learnt from practice to concentrate its fire on objects within its range, with the gratifying result of occasionally hitting the mark.<sup>102</sup>

<sup>98</sup> J. Parry, *Democracy and Religion. Gladstone and the Liberal Party, 1867-1875* (Cambridge, 1986), 180.

<sup>99</sup> W. L. Burn, *The Age of Equipoise. A Study of the Mid-Victorian Generation* (London, 1964), 226.

<sup>100</sup> *The Lancet*, 10 Oct. 1868, 493.

<sup>101</sup> See ch. 5 below, pp. 163-8.

<sup>102</sup> *The Times*, 8 Oct. 1874, 9.

The late 1870s were indeed 'steady and sedate' for the SSA. It had fewer contacts at the highest level in the Conservative administration, and Disraeli's government did not innovate but continued legislative projects inherited from the Liberals in 1874.<sup>103</sup> If the Association had new ideas, it was unable to interest the administration in them. In actuality, for the SSA there were few outstanding issues of principle that were still to be settled. The Association held a variety of conferences in London to review the progress of health administration, the education system, the prison system, the poor laws – conferences designed to assess legislation already passed rather than suggest measures for the future – but the details were hardly the stuff on which popular coalitions were sustained.<sup>104</sup> With the political and intellectual leaders of an earlier Liberalism dead or absent, the Association entered the 1880s without a clear agenda and a committed membership: numbers declined and finances with them. The 1885 Congress was never held, and the Association was wound up in the following year.<sup>105</sup> This cycle, composed of a brilliant birth in the 1850s, an admired youth in the 1860s, a valuable and influential maturity between 1868 and 1874, and decline thereafter, will be analysed further by examining some of the major issues pursued by the SSA in the second section of this book.

## V

A premise of this argument – that we can derive evidence of political motivation and affiliation from a forum devoted to issues of social policy – may seem to contradict two axioms of Victorian political history: that social questions were not the stuff of politics and that Gladstonian Liberalism denoted religious and moral emancipation rather than material advancement. Gladstone's first administration was responsible for a number of memorable social reforms but it was as extensively engaged in solving outstanding issues in the traditional politics of church and state. Yet no subsequent British government has been involved to a comparable extent in religious politics, not least because politico-religious passions cooled as faith itself began to ebb from the 1870s.<sup>106</sup> Indeed, after the

<sup>103</sup> Paul Smith, *Disraelian Conservatism*, *passim*.

<sup>104</sup> See 'Conference of Boards of Guardians', *SP* 1871–2, 21–2. 'Educational Conference', *SP* 1872–3, 111–12; 'Conference of Visiting Justices on Prison Discipline and Labour in Prisons', *SP* 1872–3, 243–59; 'Conference on Sanitary Laws', *SP* 1875–6, 106, 331.

<sup>105</sup> See ch. 12, pp. 349–51. <sup>106</sup> Parry, *Democracy and Religion*, 434.

first Gladstone government left office in disarray, W. E. Forster was a candidate for leader and was supported by SSA stalwarts like Mundella, Fawcett, and Playfair precisely because he shared their interest in social questions and they hoped these would supplant religious issues as the central themes in a revived Liberalism.<sup>107</sup> Though the transition was slow and irregular, by the end of the century it was complete. As Joseph Chamberlain foresaw in 1883, 'The politics of the future are social politics.'<sup>108</sup> From this time 'land, housing and labour reform became recognised functions of government'.<sup>109</sup> The SSA had been founded by figures like Russell, Stanley, Pakington, and Adderley who were frustrated by the obstructions of religious politics, and who sought to bring social questions to the fore while simultaneously divesting them of religious connotations. By the time the Association expired three decades later that process was largely complete.<sup>110</sup>

The history of the SSA exemplifies a transformation in the agenda of politics, therefore. Though it is customary to date 'the transition to high politics in English social policy' from the late nineteenth century, the history of the Social Science Association exhibits features of this process at an earlier stage.<sup>111</sup> In the 1850s it was still possible to make a division between the social and the political. In 1857 *The Times* saw the Association 'collecting and diffusing information on the principal questions which may be considered independent of domestic and foreign politics'.<sup>112</sup> In the following year it described the SSA as

a sort of chapel of ease for the Houses of Parliament, taking up and discussing with a minuteness hardly there attainable questions scarcely within the domain of politics – questions by which no ministry can be formed or overturned, but which yet bear far more than merely political controversies on the moral and social well-being of the people.<sup>113</sup>

<sup>107</sup> Ibid., 427.

<sup>108</sup> J. Chamberlain to Sir Edward Russell, 22 Jan. 1883 in J. L. Garvin, *The Life of Joseph Chamberlain*, 1 (London, 1932; 1935 edn), 384–5.

<sup>109</sup> Parry, *Democracy and Religion*, 438.

<sup>110</sup> Peter Ghosh has criticised my earlier formulation of this argument, contending that social policy did not make 'an original contribution to party political identity'. While this holds for the 1850s, my point is that it gradually ceased to be the case over the lifetime of the Social Science Association and that by the time of the Association's demise, social questions were becoming politicised and dividing the parties. To some extent this explains why the Association was no longer required and suspended operations in 1886. P. R. Ghosh, 'Style and Substance in Disraelian Social Reform, c. 1860–80' in P. J. Waller (ed.), *Politics and Social Change in Modern Britain. Essays Presented to A. F. Thompson* (Brighton, 1987), 82 n. 6.

<sup>111</sup> Jose Harris, 'The Transition to High Politics in English Social Policy, 1880–1914' in M. Bentley and J. Stevenson (eds.), *High and Low Politics in Modern Britain* (Oxford, 1983).

<sup>112</sup> *The Times*, 13 Oct. 1857, 6. <sup>113</sup> *The Times*, 15 Oct. 1858, 6.

Yet in 1867 Dufferin defended his address to the Belfast congress by claiming that 'half the subjects in their programme were political'<sup>114</sup> – he maintained that he was in no way breaking with precedent – and the *Daily News* agreed that the 'line which separates social from political questions' was 'thin and at times vanishing'.<sup>115</sup> In the following year Fawcett 'thought it would tax the powers of the most acute analyst to clearly and distinctly mark out and define those questions which were social from those which were political'.<sup>116</sup> When the SSA convened in Dublin in 1881, the *Irish Times* reflected that social science had created 'a new class of thinker, the social politician'.<sup>117</sup> At the final congress the President of the Department of Economy and Trade designated 'the questions of the hour – questions of a social character interwoven with moral considerations, which popular feeling is seeking to handle through the agency of the state'. Britain was 'passing into a period when political controversies, while vital perhaps to the race of politicians, are far less vital to the nation at large than the statesmanlike handling of social questions'.<sup>118</sup> In the 1830s and 1840s social reform was specifically calculated to offset and diffuse social discontent.<sup>119</sup> By the 1850s and 1860s, however, it was developing a momentum and rationale of its own and had come to be seen by some as a constant end of government. Though the ascription of precise dates is difficult, during the lifespan of the SSA a series of institutional innovations occurred as governments gradually and haphazardly came to accept a legislative responsibility and competence, and a parallel redefinition of the sphere of politics to include social questions took place. By the 1880s and 1890s, indeed, the parties themselves were exploiting differences over social reform for electoral advantage. The SSA did not cause this transition, but it embodied and promoted it, and as will be argued below, its demise occurred when the political system and the state had so adapted themselves to social politics as no longer to require assistance from an 'alternative parliament'.

<sup>114</sup> *The Times* 23 Sept. 1867, 4.      <sup>115</sup> *Daily News*, 21 Sept. 1867, 4.

<sup>116</sup> *Birmingham Daily Post*, 3 Oct. 1868, 5.      <sup>117</sup> *The Irish Times*, 3 Oct. 1881, 4.

<sup>118</sup> Viscount Lynton MP, 'Address on Economy and Trade', *T.1884*, 77–8.

<sup>119</sup> Gareth Stedman Jones, 'Rethinking Chartism' in G. Stedman Jones, *Languages of Class* (Cambridge, 1983), 174–8; Peter Mandler, *Aristocratic Government in the Age of Reform. Whigs and Liberals 1830–1852* (Oxford, 1990), 39.

## CHAPTER 3

### *Organising the Social Science Association*

#### I

The Association's organisational history falls into two phases: an initial term of spectacular success, during which it functioned according to decisions taken at its inception, and a longer period after reorganisation in 1862–4 during which its structures altered little.

The SSA was initially based in offices in Waterloo Place, Pall Mall, and was governed by a council that comprised the President, Brougham, officers of the Association, and sixty members elected annually.<sup>1</sup> The system was altered in 1862.<sup>2</sup> The council was then enlarged to include representatives of each of the departments into which it was divided, and 'every member of either House of Parliament who is also a member of the Association'.<sup>3</sup> This resulted in a council of around 250 members which met four times a year.<sup>4</sup> Day-to-day business was taken by an executive committee of twenty.

The early 1860s also saw changes to the departmental structure. The Association was originally organised into five departments: Jurisprudence and Amendment of the Law; Education; Punishment and Reformation; Public Health; and Social Economy, concerned with 'questions relating to Capital, Labour and Production'.<sup>5</sup> The Education and Public Health Departments were unaltered for the duration of the Association. But after the 1863 congress, crime and punishment were absorbed into Jurisprudence, where they formed one of three sections alongside international and municipal law. In the same year, the Department of Social Economy was retitled 'Economy and Trade', which may be significant

<sup>1</sup> *T.1857*, xxxi; *T.1858*, xxiii.      <sup>2</sup> *T.1862*, 1–li.      <sup>3</sup> *Ibid.*, xxxi.

<sup>4</sup> *Ibid.*, xx–xxiii. In 1872 there were 268 members of the Council, of whom 89 were MPs. In 1882 the Council numbered 240 and included 66 MPs. See *T.1872*, xv–xvii; *T.1882*, xvii–xix. The ennoblement of several members who were MPs in the 1860s explains the decline in the number of MPs by the 1880s.

<sup>5</sup> *T.1857*, xxvi–xxvii.

as the term 'social economy' had at one time denoted a truly synthetic social science, more ambitious in its aims and extent than political economy, or indeed 'economy and trade'.<sup>6</sup> There were three other structural innovations. For three years only, between 1861 and 1863, the Department of Trade and International Law was an embodiment of the free-trading internationalism that then pervaded Britain and western Europe. It was a direct response to the 1860 Cobden-Chevalier free-trade treaty and Chevalier's attendance at the Association's congresses in 1859 and 1861. But after 1863 international law was relocated in Jurisprudence, and questions of trade moved to the new Department of Economy and Trade. In 1876 the Association formed a Department of Art to consider matters of public education, taste, and design.<sup>7</sup> And in 1869 and 1870 the Association held a separate and controversial 'Ladies Conference', which is discussed below.<sup>8</sup>

A peripatetic association encouraged emulation among groups who saw it as a model for promoting civic improvement. The SSA gave rise to several local associations formed in the enthusiasm of its earliest years in Bradford, Liverpool, Edinburgh, and Aberdeen.<sup>9</sup> The Liverpool Association, for example, was founded at the end of the 1858 congress in the city and was intended to be 'a local centre of information and of action'.<sup>10</sup> By the mid-1860s reports of its meetings ceased to appear in the *Transactions* and it seems to have disappeared. In accordance with its mission to centralise the consideration of social issues the SSA also tried to amalgamate with other organisations. One consequence of the institutional alterations of the 1860s was the absorption of the Law Amendment Society. Sharing common aims and membership, it was a painless process agreed in November 1863 under which the Social Science Association gained the Society's library and offices in Adam Street, Adelphi.<sup>11</sup> The parent had been overtaken by the child: the SSA had achieved the national recognition that law reformers of the 1840s and 1850s had sought unsuccessfully. Placing law reform alongside more accessible and immediately relevant subjects made it seem less dauntingly

<sup>6</sup> *T.1863*, xxxvi–xxxix. J. S. Mill, 'On the Definition of Political Economy; and on the Method of Philosophical Investigation in that Science', *London and Westminster Review*, 4 and 26 (Oct. 1836), 10–12. Lawrence Goldman, 'The Origins of British "Social Science": Political Economy, Natural Science and Statistics, 1830–1835', *Historical Journal*, 26, 3 (1983), 604–5.

<sup>7</sup> *T.1876*, xxxiii. <sup>8</sup> See ch. 4 below, pp. 136–40. See also Appendix IV. <sup>9</sup> *T.1860*, xv.

<sup>10</sup> National Association for the Promotion of Social Science. *Address of the Liverpool Local Committee* (Liverpool, 1859).

<sup>11</sup> *T.1863*, xxxvii–xxxix. G. W. Hastings to Brougham, 27 Nov. 1863, B MSS, 30586.



technical. Yet the loss of a specific forum for legal questions may have hastened the decline of professional and national interest in it, a feature of the late 1870s and 1880s. A similar proposal made by the Social Science Association in 1864 to merge with the Statistical Society of London (now the Royal Statistical Society) came to nothing.<sup>12</sup>

One consequence of the institutional changes of the early 1860s was the organisation of 'sessional meetings' and the publication of the SSA's *Sessional Proceedings*. An organisation linking together metropolis and province and seeking influence over parliament and the executive was led towards regular meetings of its members in London. In this way it was possible to bring ministers, officials and parliamentarians into contact with the Association. It was common for MPs to attend its meetings and return to the House later in the evening. The SSA also built on the practice of the Law Amendment Society, which had met fortnightly through the parliamentary session to monitor legislation. The success of an important meeting of the SSA in early 1863 to resist the demand for a return to transportation convinced the council that regular meetings in London would be advantageous.<sup>13</sup> Though their inception was not immediate, by 1866 all departments were holding sessions in London. 'Sessional meetings' were different from departmental meetings at a congress. They attracted smaller, specialist audiences, composed of people with experience or professional knowledge of an issue.<sup>14</sup> There is evidence that important papers prepared for a congress were withdrawn and considered more thoroughly in London.<sup>15</sup>

In turn, the Association published two distinct records of its work: the well-known *Transactions* of its congresses and also the *Sessional Proceedings* of its London meetings, which contain information on the Association's lobbies and policies. The former provide a record of what was said; the latter a fragmented account of what was done. The major part of both sources comprise papers delivered, but they also contain transcripts of discussions which make them especially valuable in preserving the views of participants in contention. The difficulty in making sense of the *Transactions* has already been discussed.<sup>16</sup> Each annual volume was a compilation of papers without commentary, for each editor was under pressure to satisfy contributors' desires to see their remarks in print.

<sup>12</sup> Minute Book 7, ff. 22–3, 26 May and 13 June 1864, Archives of the Royal Statistical Society, London.

<sup>13</sup> *T.1863*, xxxiv.    <sup>14</sup> *T.1871*, xxxviii.    <sup>15</sup> *SP 1875–6*, 60.

<sup>16</sup> See Introduction above, p. 6.

Inclusiveness got the better of discrimination: for fear of offending participants there was little attempt to choose between papers or draw the reader towards the significant speech.<sup>17</sup> Florence Nightingale wrote to Edwin Chadwick in 1858 in customary caustic tone: 'If the whole of the 1st vol. of *Transactions* had been burnt, the world would have been none the worse. The Association has mistaken its object. If I were the Council I would devote each day to reading one (or at most three) papers of the calibre of *yours* & on subjects as large.'<sup>18</sup>

Before the inaugural congress contributors were advised to send papers to the General Secretary who sent them to the departmental committees for approval.<sup>19</sup> After the Liverpool congress it was decided to focus debate by issuing a prospectus of suggested subjects for the next congress.<sup>20</sup> But gentle prompting could not prevent participants from writing about pet interests, and in 1863 it was resolved to assign specific themes to each department and approach leading figures to speak on them.<sup>21</sup> Finding contributions with local relevance became more important as the SSA lost its place in national debate and came to rely on the interests of a resident paying public. For example, in 1882 the economist Stanley Jevons published an article on the high rates of infant mortality in Britain in which the problem as it affected Nottingham had featured.<sup>22</sup> This was the venue for the 1882 congress, and Jevons was approached to prepare a paper on the subject, though he died before the congress took place.<sup>23</sup> Later volumes of the *Transactions*, because of this more organised process of soliciting papers, provide more considered responses to acknowledged issues in which participants presented carefully constructed arguments. Meetings gained in coherence, but something of the immediacy of the earlier congresses was lost.

Hastings recognised that the annual compilation in the *Transactions* was neither sufficient to build a coalition for reform, nor effective in counteracting press criticism of the Association's pretensions. He was 'quite alive to the importance of obtaining some organ through which we could place our views before the public, and prevent them from being

<sup>17</sup> *T.1859*, xxvi.

<sup>18</sup> Florence Nightingale to Edwin Chadwick, 11 Oct. 1858, Florence Nightingale papers, BL Add. MS 45770, ff. 61–2.

<sup>19</sup> *The Times*, 28 Sept 1857, 1.      <sup>20</sup> *T.1858*, xxvii.

<sup>21</sup> *T.1863*, xxxvii. Sir Richard Temple, 'Social Science in England' in Sir Richard Temple, *Cosmopolitan Essays* (London, 1886), 112.

<sup>22</sup> W. S. Jevons, 'Married Women in Factories', *Contemporary Review*, 41 (1882), 37–53.

<sup>23</sup> J. L. Clifford-Smith to W. S. Jevons, 14 Feb. 1882, *Papers and Correspondence of William Stanley Jevons* (ed. R. D. Collison Black and R. Könekamp) (7 vols., London, 1972–81), v, 173–4.

misled as to the Association and kindred topics', and he hoped to establish 'a quarterly journal of social science . . . something as new & as startling as the *Edinburgh* and *Quarterly* when they first started'.<sup>24</sup> Until then, the SSA used such resources as it could, among them *The Philanthropist and Prison and Reformatory Gazette* which carried information about the Association to its membership for a few months only in 1858, and which could never have been described as 'startling' even when it changed its name to *The Philanthropist and Social Science Gazette*.<sup>25</sup> It took until 1865 for the realisation of Hastings' aspirations in the *Journal of Social Science*, edited by Edwin Lankester, the natural scientist and sanitarian.<sup>26</sup> But it was not a success: only a dozen monthly numbers were published. In 1866 it was merged into the record of the Association's sessional meetings, begun in 1864 and known as the *Sessional Papers*, under the title *Social Science*.<sup>27</sup> In the following year *Social Science* was converted into an organ of the Association pure and simple, and renamed the *Sessional Proceedings*, carrying only papers and items connected with the SSA. The series was published continuously under this title until 1883.<sup>28</sup>

One other institutional project was considered: to establish a 'Scientific Societies' House' for a number of organisations interested in social science, widely defined. It was to provide a centre for meetings and symbolise, in bricks and mortar, the development of the social disciplines in Victorian Britain. Natural science had the use of Burlington House, and social science would erect an equivalent.<sup>29</sup> The Statistical Society took the lead, establishing a committee in 1870 under William Newmarch which represented several bodies, including the Social Science Association, the Institute of Actuaries, the Society of Arts, the Ethnological Society, the Anthropological Society, the Juridical Society,

<sup>24</sup> Hastings to Brougham, 17 Dec. 1860, 5 Nov. 1857, B MSS, 7669 and 13109.

<sup>25</sup> *The Philanthropist and Social Science Gazette*, 1 April, 2 Aug. 1858, 84, 180.

<sup>26</sup> B MSS 43328, 1 Dec. 1865. The *Journal of Social Science* was published between Nov. 1865 and Oct. 1866.

<sup>27</sup> *Social Science, Being the Journal and Sessional Proceedings of the National Association for the Promotion of Social Science* (London, 1866–7).

<sup>28</sup> Two other periodicals are worthy of note though neither was an official publication of the Association. The *Social Science Review* (London, 1862–6) edited by the physician, sanitarian, and early biographer of Edwin Chadwick, Benjamin W. Richardson, was 'based on the principles of the National Association', and carried relevant articles and papers. Meanwhile *Meliora: A Quarterly Review of Social Science in Its Ethical, Economic, Political and Ameliorative Aspects* (London, 1858–69) while masquerading as a general periodical was a mouthpiece for the United Kingdom Alliance and its campaign to prohibit alcohol by legislation. See its final announcement, 12 (1869), 380. I am grateful to Michael Roberts for this reference.

<sup>29</sup> *JSSL*, 34 (June 1871), 242; *SP* 1872–3, 285.

and the Royal Colonial Institute.<sup>30</sup> The plan won some political backing in the Commons but Robert Lowe, now Chancellor of the Exchequer, would not provide public assistance.<sup>31</sup> In consequence, the committee established 'The Scientific Societies' House Company' the shares of which were to be bought by the organisations that would use the building. A suitable plot of land was found in Westminster and architects' plans drawn up.<sup>32</sup> In March 1873 a prospectus was issued and sent to forty-three societies. But only two, the Statistical Society of London and the Institute of Actuaries, gave full support. Too few shares were purchased to make the scheme viable and the company was wound up.<sup>33</sup> The statisticians and actuaries together purchased a house in Adelphi Terrace but the larger plan was not revived, and the Social Science Association remained in Adam Street and held most of its meetings at the Society of Arts.

There had certainly been disagreement over the size of the scheme: whether on a large scale with the assistance of government, or on a smaller scale without.<sup>34</sup> It seems to have failed because the societies lacked commitment to a collective project and, as such, may demonstrate the absence of co-operation between the various mid-Victorian organisations developing disciplines like social science, statistics, anthropology, and archaeology. This is a feature of the intellectual culture of the period, and may explain, in part, why the social sciences were slow to institutionalise themselves in Victorian Britain. The SSA was close in spirit to the Statistical Society, and the two bodies had members in common.<sup>35</sup> Beyond this there was little co-operation between the Association and other learned societies interested in social questions. This reflected the multiplicity of styles of social analysis: the infant sciences of anthropology and ethnology, premised on racial categories and characteristics, had little in common with the 'policy science' of the SSA.<sup>36</sup> Different subjects were attempting to establish credentials, and the struggle to win respectability may have impeded collaboration. Yet to have established an acknowledged home for the social sciences would have assisted their integration and raised their status. When the Association began to lose

<sup>30</sup> 'House Accommodation Committee' (1870-2), Minute Book 7; 'Scientific Societies House Committee' (1873), Minute Book 1; 'House of Applied Science Committee July 1879-April 1884', Minute Book 10; Archives of the Royal Statistical Society, London.

<sup>31</sup> *JSSL*, 35 (1872), 373-5; Minute Book 1, f. 3, 2 Jan. 1873. <sup>32</sup> *SP* 1872-3, 286.

<sup>33</sup> Minute Book 1, f. 34, 7 April 1873. <sup>34</sup> *JSSL*, 34 (1871), 241-2.

<sup>35</sup> W. A. Guy, 'On the Claims of Science to Public Recognition and Support; with Special Reference to the so-called "Social Sciences"', *JSSL*, 33 (1870), 437-8.

<sup>36</sup> J. Burrow, 'Evolution and Anthropology in the 1860s: The Anthropological Society of London 1863-1871', *Victorian Studies*, 7 (1963), 137-54; R. Rainger, 'Race, Politics and Science: The Anthropological Society of London in the 1860s', *Victorian Studies*, 22 (1978), 51-70.

influence in the 1880s it found provincial cities unwilling to pledge funds for a congress: a secure base in London might have allowed it to continue on a reduced scale and in a different manner.

## II

The Social Science Association was more famous for its perambulations through the nation than its meetings in the capital. The congress as a form of association and evidence of the popularisation of politics caught the imagination of the age. As *The Times* explained in 1860,

The scientific and artistic congress is an institution which has become most popular in Europe during the last few years. Every department of human thought now has its annual or occasional gathering, at which the votaries, professionals and amateurs, report progress, plan new undertakings, give their ideas to the world, and pick up notions which may be useful to themselves.<sup>37</sup>

Organisation began months and sometimes years in advance.<sup>38</sup> The local committee for the Bradford congress held in October 1859 first met in the preceding January and held another eighteen meetings, not including the convening of numerous sub-committees.<sup>39</sup> At its height the Association was in demand and civic deputations came to address its council to prove their suitability as future venues. In the summer and autumn of 1862 Edinburgh, York, and Newcastle were in competition. Edinburgh won and hosted the SSA in 1863. York was the venue in the following year. After a tour of inspection Hastings found against Newcastle – ‘a good second-rate place, which we may wait for’ – and it was not chosen until 1870.<sup>40</sup> Money played its part. It was expected that local committees would raise a guarantee fund to defray expenses. In Bradford in 1859 the committee raised over £3,000; at Glasgow in 1860 it collected £1,000;<sup>41</sup> at York in 1864 it raised £800.<sup>42</sup> A good local secretary was almost as important as sufficient funds: George Melly, the local secretary at Liverpool in 1858, was principally responsible for the success of the second congress, and his exertions did him no harm in building a Liberal parliamentary career.<sup>43</sup>

<sup>37</sup> *The Times*, 24 Sept. 1860, 8.

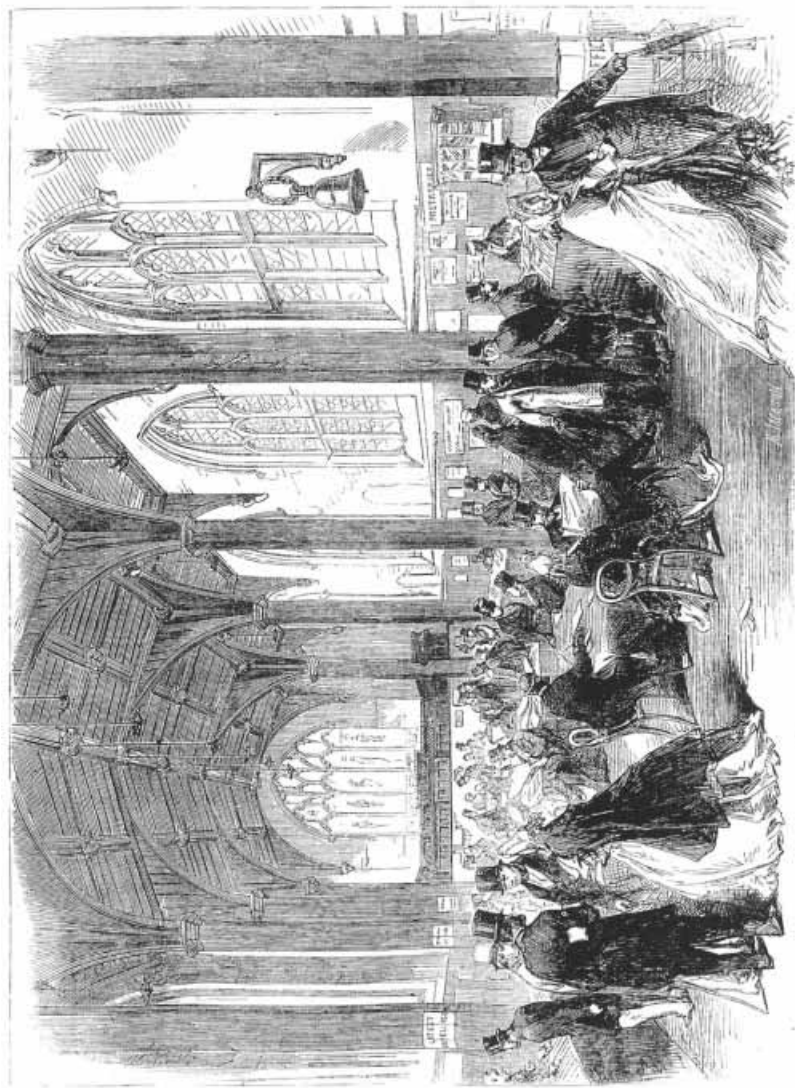
<sup>38</sup> For comparison see J. Morrell and A. Thackray, *Gentlemen of Science. Early Years of the British Association for the Advancement of Science* (Oxford, 1981), 128–39.

<sup>39</sup> *Bradford Observer*, Supplement, 13 Oct. 1859, 1.

<sup>40</sup> Hastings to Brougham, 13 Aug., 1 Sept., 18 Nov. 1862, B MSS, 13012, 13013, 13125.

<sup>41</sup> Hastings to Brougham, 17 April 1860, B MSS, 13002. <sup>42</sup> *York Herald*, 24 Sept. 1864, 10.

<sup>43</sup> Hastings to Melly, 4 Nov. 1858; J. H. Ryland to Melly, 3 March 1859, George Melly papers, Liverpool Record Office, Letters, 2nd series, vol. 1, 920 MEL 6, II, 534, 570.



4. Reception room of the Social Science Congress in the Guildhall, York' (1864).

A visit from the Social Science Association, with coverage by the press, and an influx of worthies, was good for trade and civic pride, and a noteworthy event in the history of many communities otherwise lacking contact with national life. Subscribing to assist the SSA was thus a shrewd investment. On the opening day of the congress in Bradford, 'the town wore an unusual aspect of bustle and gaiety. The streets, especially in the neighbourhood of St. George's Hall, were thronged with well-dressed strangers. There were everywhere indications of the important gathering which was about to take place.'<sup>44</sup> The Bradford meeting became a showcase for the spontaneous, market-led civic improvement that the city enjoyed in the 1850s.<sup>45</sup> A series of papers 'testified to the improvement in the health and morals of the factory population' since the 1830s, though it was admitted that the city still endured embarrassingly high levels of infant mortality.<sup>46</sup> The Association faced difficulties once its fame and fortunes went into decline, however. The finance committee of the Borough of Nottingham estimated that the visit of the SSA in 1882 would cost them £1,200, and this for a meeting that attracted less than six hundred participants, the majority of them residents of Nottingham itself.<sup>47</sup> By the 1880s the sums did not add up, and the Association's demise was not far off.

In its pomp, the SSA attracted many more paying participants. There were 2,083 in Liverpool in 1858, including 526 women; a total of 2,872 in Glasgow in 1860; 1,792 in Dublin in 1861; 2,830 in Edinburgh in 1863; 1,656 in Manchester in 1866.<sup>48</sup> For most of its history the Social Science Association had around a thousand 'ordinary members', paying a guinea annually, which entitled them to attend meetings and receive the annual *Transactions*.<sup>49</sup> Corporate membership cost two guineas and

<sup>44</sup> *Bradford Observer*, Supplement, 13 Oct. 1859, 1.

<sup>45</sup> Theodore Koditschek, *Class Formation and Urban-Industrial Society. Bradford 1750-1850* (Cambridge, 1990), 571-81.

<sup>46</sup> Barbara Thompson, 'Infant Mortality in Nineteenth Century Bradford' in R. Woods and J. Woodward (eds.), *Urban Disease and Mortality in Nineteenth Century England* (London, 1984), 128 and 'Public Provision and Private Neglect: Public Health' in D. G. Wright and J. A. Jowitt (eds.), *Victorian Bradford* (Bradford, 1982), 152.

<sup>47</sup> *Records of the Borough of Nottingham*, Vol. ix: 1836-1900 (Nottingham, 1956), 292.

<sup>48</sup> Numbers attending a congress were sometimes published in the *Transactions* and usually printed in local newspapers at the end of each congress.

<sup>49</sup> From nine printed membership lists which have been traced, the number of 'ordinary members' was as follows: 1865-6, 1064; 1866-7, 1011; 1869-70, 909; 1870-1, 956; 1871-2, 1006; 1872-3, 1026; 1873-4, 889; 1874-5, 1173; 1880-1, 890. Lists are held in several British libraries. The best single location of such material, including also programmes from the SSA's congresses, is the Family Welfare Association collection, Goldsmith's Library, University of London.





was taken up by philanthropic societies, single-issue campaigns, chambers of commerce, and professional associations. Associate membership, allowing attendance at a congress, and taken out by hundreds of curious local citizens, cost ten shillings. From all sources, the Association in the 1860s had an annual income of approximately £1,750, which was enough to maintain an office and subsidise publications.<sup>50</sup>

With one exception, congresses were held in early autumn and lasted a week. They began with an ecumenical service – only ‘held to satisfy the scruples of some people’, as Hastings told Brougham before the inaugural congress – followed by the President’s address.<sup>51</sup> In 1857 and 1858 the addresses of the departmental presidents were delivered one after another in large plenary sessions. From 1859 they were heard in turn at the first session each day before the departments convened. In the evenings there were dinners, conversaziones, and soirées: the Association held grand social events in such venues as the Birmingham Town Hall; St George’s Hall, Liverpool; the Colston Hall, Bristol; and York Minster.<sup>52</sup> When the earl of Carlisle attended a ‘great banquet’ in St George’s Hall, ‘the sight was very beautiful, like a Paul Veronese’.<sup>53</sup> Invitations to the annual Working Men’s Meeting, addressed by the leading figures at each congress, were distributed through mechanics’ institutions, mutual improvement societies, and the local co-operative movement. Attendance was free and at the first congresses the working men’s meetings were over-subscribed: in Glasgow in 1860 there were over twenty thousand applicants for 3,500 places.<sup>54</sup> Leading figures were invited to civic functions and the jamboree ended with a closing meeting to review debates. As Brougham wrote to his brother from Liverpool in 1858, ‘the fatigue of the endless meetings – dinners – calls is intolerable’.<sup>55</sup>

The fourth earl of Carnarvon, Secretary for the Colonies in the Conservative administrations of the 1860s and 1870s, presided over the 1868 congress in Birmingham, and left a record of his experiences.<sup>56</sup> Events began with his Inaugural Address which was ‘heard very

<sup>50</sup> Details of the membership and accounts were published annually in the *Transactions*.

<sup>51</sup> Hastings to Brougham, 26 Aug. 1857, B MSS, 13095.

<sup>52</sup> ‘National Association for the Promotion of Social Science: Its History’, *Newcastle Daily Chronicle*, 21 Sept. 1870, 5. *The Bee-Hive*, 1 Oct. 1864, 2.

<sup>53</sup> Diaries of George William Frederick Howard, seventh earl of Carlisle, 15 Oct. 1857. Castle Howard MSS, J 19/8/36, 1857–8.

<sup>54</sup> The National Association for the Promotion of Social Science. *Report of Proceedings at the Seventh Annual Congress* (Edinburgh, 1863), xxix.

<sup>55</sup> Brougham to William Brougham, 12 Oct. 1858, Brougham papers.

<sup>56</sup> Papers of Henry Herbert, fourth earl of Carnarvon, diary, vol. CXLIV, 30 Sept.–7 Oct. 1868. BL Add. MS 60900, ff. 139–42.

attentively' in Birmingham Town Hall, though it lasted for nearly two hours. On the following day he took the chair for Lord Lyttelton's 'Address on Education' – 'very able' – attended the sections, and in the evening went to the Mayor's reception. He presided over another plenary address on the third day, attended more departmental meetings, and delivered an impromptu speech before an audience of two thousand at a ceremony to unveil a statue of James Watt. In the evening there was the Working Men's Meeting at which he spoke: 'candid – orderly – attentive' was Carnarvon's judgment. But he was critical of other speakers, including Lords Lyttelton and Houghton, W. V. Harcourt, and Henry Fawcett, Liberals all, who 'trespassed a good deal on politics'. At the weekend there was a two-day excursion to Liverpool to visit a prison in the company of Sir Walter Crofton, the architect of the Association's policy on the penal regime with whom Carnarvon worked closely in the 1860s.<sup>57</sup> Monday was taken up with 'a very interesting and satisfactory discussion on boards of conciliation' for settling industrial disputes, and another reception in the Town Hall. On the following day, after more sectional meetings, Carnarvon went to a local small arms factory, where he noted that the 'intelligent & superior' workmen were 'said to be mostly radical in politics'. Eight days after the congress began, he presided at the closing meeting 'by summing up as well as I could the most important proceedings of the meeting in the different departments'.

Carnarvon was an experienced politician and discharged his duties with ease. Not so the president of the Social Economy Department at Liverpool in 1858, Sir James Stephen, the great colonial civil servant and then Professor of Modern History at Cambridge. His address drew criticism because of its academic style,<sup>58</sup> while Stephen's own record of his experiences, in letters to his wife, portray a man bewildered.<sup>59</sup> He addressed the first working men's meeting, dined with the mayor, and was called upon 'to extemporise an education speech' when 'we all went to another meeting of a certain school society here'. He 'sat at dinner between Lord John Russell & Brougham, & heard much whimsical & amusing talk'. As chairman of his department, he had 'a fight with some ferocious radicals, to whom I spoke stoutly & conservatively, to their great wonderment & discontent'. He found time to write home only during the

<sup>57</sup> Seán McConville, *English Local Prisons 1860–1900. Next Only to Death* (London and New York, 1995), 87–9.

<sup>58</sup> *The Times*, 18 Oct. 1858, 6.

<sup>59</sup> James Stephen to Jane Catherine Stephen, 'Oct. 1858', Sir James Stephen papers, Cambridge University Library, Add. 7888, Box 2, ff. 29–36.

proceedings themselves: 'at this present moment a dreary man is reading a dreary paper about statistics'. The schedule left him breathless: 'You must remember that we breakfast at 8, reach this place (5 miles off) by 10<sup>60</sup> – hold meetings till 4 & then go to the early dinner (4.30) & then to some meeting. It makes everybody giddy, except Brougham, who makes everybody else so.' He complained of 'an endless noise of talk & speech-making in my ears from morning to night'.

There were excursions to country seats, natural wonders, eleemosynary institutions, mines, and mills. At Bradford the members visited Saltaire, the model village built by the great wool entrepreneur, Titus Salt, and the local iron works.<sup>61</sup> At the Plymouth congress in 1872 they were invited to inspect the Devon Consols Copper Mine by Thomas Morris, uncle of the designer and poet, William Morris, and the basis of the Morris family fortune.<sup>62</sup> The most popular excursions were to the estates of the aristocracy and T. B. Lloyd-Baker rarely missed an opportunity. From Sheffield in 1865 he visited Chatsworth. From Newcastle in 1870 he was one of a large party invited to Alnwick by the duke of Northumberland. At Aberdeen in 1877 he passed up the opportunity to view the grounds at Balmoral – a privilege granted to the Association by the Queen – and ventured forth instead to enjoy luncheons at Aboyne Castle, seat of the marquess of Huntly, and Haddo House, home to Lord Aberdeen.<sup>63</sup> Such were the pleasures of a congress that some participants apparently treated them as holidays.<sup>64</sup> The diet was rich and the menu long: 'Many members and associates have indeed been bewildered by *l'embarass de richesses*, and have wandered from place to place in a somewhat bewildered state of mind, it is to be hoped picking up crumbs everywhere, though too impatient to stay the feast.'<sup>65</sup> A few days before Stanley Jevons attended the first Manchester congress, his uncle wrote to bid him 'be ready for the Feast you will doubtless enjoy next week at the Social Science meetings'.<sup>66</sup>

The grandest congress was in London in 1862. It was held in June to coincide with the season. It also coincided with the meeting of the Congrès International de Bienfaisance, a forum for charitable workers and donors, which had previously convened in Brussels and Frankfurt,

<sup>60</sup> Stephen is referring to St George's Hall, Liverpool, where the congress met.

<sup>61</sup> *T.1859*, xxvi. <sup>62</sup> *T.1872*, xxxii.

<sup>63</sup> T. B. Lloyd-Baker, 'My Life', pt II, Hardwicke MSS, Gloucester Record Office, D3549/25/7/1, ff. 117, 207, 349, 351.

<sup>64</sup> *Daily News*, 3 Oct. 1881, 2. <sup>65</sup> *Bradford Observer*, Supplement, 13 Oct. 1859, 1.

<sup>66</sup> Timothy Jevons to W. S. Jevons, 30 Sept. 1866, *Papers and Correspondence of William Stanley Jevons*, III, 127.

so ensuring an influx of foreign jurists, economists, statisticians, and philanthropists. The SSA saw the meeting as exceptional – an opportunity to set its stall before the world – and estimated that £5,000 would be required to meet expenses.<sup>67</sup> The soirée in the Palace of Westminster, discussed above, at which the Association had the run of the Houses of Parliament, was one of several remarkable events.<sup>68</sup> The congress opened with a service in Westminster Abbey, held its inaugural meeting at Exeter Hall, convened for departmental sessions in the Guildhall, and held special evening meetings in Burlington House. The climax was a dinner for three hundred in the Crystal Palace.<sup>69</sup> The metropolitan press lavished praise, but the sheer scale of the events and the attractions of the capital distracted many. Lloyd-Baker, a country squire to his core, was unimpressed: ‘there never was a greater mistake . . . our business meetings were generally thinly attended, and those who came looked in for half an hour, and then hurried off to the Exhibition, or some other engagement’.<sup>70</sup> The SSA had starred in the capital, but its characteristic work was done in more humble repertory in the provinces.

### III

The bustle and display also attracted hostile commentary. Contemporary criticism of the Association fell into two categories: the deflation of its pretensions – social-scientific and political – which appeared in the metropolitan press and journals, and the criticism of intellectuals with a faith in the possibility and potential of a true ‘social science’ who looked askance at its methods and purpose, which is discussed below.<sup>71</sup> The barbs of the press must be set in the context of a genre of social satire which had long fed on such natural – because so highly visible – victims. When *The Times*, even before the first congress had begun in earnest, adversely compared the SSA to the British Association for the Advancement of Science,<sup>72</sup> it conveniently overlooked its previous hostility to

<sup>67</sup> ‘Report from the Special Committee, appointed on the 21st of August last on the preparations for the London Meeting in 1862’, 31 Oct. 1861; G. W. Hastings to Stanley, 6 Dec. 1861, in file ‘Social Science Association’, Papers of Edward Henry, fifteenth earl of Derby, Non-Official Correspondence, Liverpool Record Office, 920 (DER) 15.

<sup>68</sup> See ch. 2 above, pp. 74–6. <sup>69</sup> *T.1862*, xxxv–xl.

<sup>70</sup> T. B. Lloyd-Baker, ‘My Life’, pt II, D3549/25/7/1, f. 73. <sup>71</sup> See ch. 10 below, pp. 303–6.

<sup>72</sup> ‘The British Association announces the discovery of new planets, the revelation of additional nebulae . . . but neither Lord Brougham, nor Lord John Russell, neither Sir J. Pakington nor Lord Stanley, can say anything which has not been said a hundred times before’, *The Times*, 13 Oct. 1857, 6.

the 'scientific dissipation' of the BAAS with its 'love of excitement and the desire of display'<sup>73</sup> which only ceased in the early 1850s.<sup>74</sup> Other sources – in this case the *Bradford Observer* – were quick to point to its inconsistency.<sup>75</sup> Metropolitan cynicism was put in its place by the greater enthusiasm for the SSA among the leaders of provincial opinion; in 1870 the *Newcastle Daily Chronicle* criticised the *Saturday Review* for having 'attacked the Association with the same amount of violence which it has bestowed on almost every institution in the country'.<sup>76</sup> Dickens had designated the BAAS 'the Mudfog Association for the Advancement of Everything':<sup>77</sup> it had been created both to promote scientific research and to build public support by popularising science, and the tension between the two objectives was seized upon by the wits, who made sport of the grand occasions and rhetoric required to achieve the latter, but which seemed at odds with the quiet contemplation required for the former.<sup>78</sup> The Social Science Association was essentially similar in its duality: it sought to use its expertise in the making of policy, but it also attempted to build popular interest in social questions by the same type of public show. It suffered from the same type of criticism. The *Saturday Review* poked fun at 'the pomp and completeness of a fabric of unearthly size and dignity'.<sup>79</sup> *Punch* saw and heard speeches designed only to draw attention to the speechmaker.<sup>80</sup> And the notion of a specifically *social* science – 'What a pleasant science it must be!', as *The Times* once put it: 'We can imagine a variety of questions within the compass of a society for this purpose – how to pass a day in the country; the elevation of the higher classes; how to do a round of morning calls' – was a gift to leader writers in search of diversionary amusement.<sup>81</sup> It was standard practice to ridicule the specious claims of such Victorian endeavour. As the *Daily Telegraph* explained, 'institutions and associations must cut their teeth upon sarcasms, and be weaned upon sharp epigrams. Indeed, a healthy idea grows up all the better for such rough nursing, and this has been the case with the Social Science Congress'.<sup>82</sup>

<sup>73</sup> *The Times*, 4 Sept. 1835, cited in Morrell and Thackray, *Gentlemen of Science*, 148.

<sup>74</sup> Philip Lowe, 'The British Association and the Provincial Public' in Roy M. MacLeod and P. Collins (eds.), *The Parliament of Science. The British Association for the Advancement of Science, 1831–1981* (London, 1981), 141, n. 72.

<sup>75</sup> *Bradford Observer*, Supplement, 13 Oct. 1859, 1. <sup>76</sup> *Newcastle Daily Chronicle*, 21 Sept. 1870, 5.

<sup>77</sup> Charles Dickens, 'Full Report of the First Meeting of the Mudfog Association for the Advancement of Everything', *Bentley's Miscellany*, 2 (1837), 397–413.

<sup>78</sup> Lowe, 'The British Association and the Provincial Public', 120, 128.

<sup>79</sup> *Saturday Review*, 17 Oct. 1857, 341. <sup>80</sup> *Punch*, 22 Oct. 1859, 171.

<sup>81</sup> *The Times*, 11 Oct. 1859, 6. <sup>82</sup> *Daily Telegraph*, 6 Oct. 1871, 4.

This style was familiar and could be ignored. But more plain-spoken criticisms found their mark. The 'problem' of the metropolitan press was a theme in Hastings' correspondence. After a critical piece in *The Spectator* in 1862 he found it 'very provoking that we cannot get a thoroughly respectable and trustworthy organ in the press'.<sup>83</sup> *The Times*, which had never looked with complete favour on the Law Amendment Society, was fickle and unpredictable.<sup>84</sup> As Hastings wrote to Melly after the 1858 congress, 'I see that our success with the press has been complete, & *The Times* has completely altered its tune'.<sup>85</sup> In 1862, when the SSA was in town for the season, it was benign and complimentary: its great editor, Delane, wrote to Brougham immediately after the congress to 'claim your thanks for the handsome way in which I treated Social Science'.<sup>86</sup> But critical editorials, even in a year of otherwise favourable notices, were not uncommon, and rattled the Association's managers. *The Times* was especially outspoken in 1865 during the Sheffield congress. It was impatient with the SSA's promiscuous discussion of 'almost every subject of a public nature', and it wished to know what the Association had achieved.<sup>87</sup> Hastings was provoked to present a public answer at the closing meeting 'with the object of refuting the charges sometimes made against it, of being a talkative body, having no practical results to produce as the fruit of its exertions', and he set out the Association's achievements.<sup>88</sup> This was followed by a further editorial in *The Times* disputing the SSA's claim to influence over social policy.<sup>89</sup> The timing of this exchange is significant: it occurred just days before Palmerston's death and the consequent political changes which made possible the social reforms of the next decade. Criticisms made in the Association's youth before its schemes were adopted by government may have been justified. *The Times* was answered, however, by the subsequent realisation of plans which had hitherto only been discussed by the Association. Press criticism, though it recurred throughout the SSA's existence, was less frequent during and after the burst of social legislation between 1868 and 1876 which manifestly owed something to the Association.

Metropolitan scorn was indicative of the cultural and intellectual snobism which afflicted the organisation. The very fact that it was welcomed so warmly in the provinces was held against it in higher circles. Leading

<sup>83</sup> Hastings to Brougham, 10 Sept. 1862, B MSS, 13014.

<sup>84</sup> Hastings to Brougham, 7 July, 27 Aug, 20 Nov., 8 Dec. 1856, B MSS, 13055, 13060, 13062, 13070.

<sup>85</sup> Hastings to Melly, 21 Oct. 1858, Melly Collection, 920 MEL. 6 II 541.

<sup>86</sup> J. T. Delane to Brougham, 18 June 1862, B MSS, 10446.

<sup>87</sup> *The Times*, 7 Oct. 1865, 9.

<sup>88</sup> *Ibid.*, 13 Oct. 1865, 11.

<sup>89</sup> *Ibid.*, 14 Oct. 1865, 8–9.

politicians may have taken advantage of its extra-parliamentary platform, and professional men may have attended its meetings, but to leaders of taste and opinion, and to those at the end of their public careers who were used to a different way of doing business, it was faintly ridiculous. The first Viscount Halifax, formerly the leading Liberal minister, Sir Charles Wood, wrote to Lord Rosebery in 1874 to congratulate him on his address to the SSA and 'pleade[ed] guilty to never having had much opinion of Social Science meetings'.<sup>90</sup> Lord Houghton referred in his closing address as president of the Norwich congress to a 'feeling of depreciation towards the work of the Congress which is heard in more cultivated circles'.<sup>91</sup> J. M. Ludlow, the Christian socialist, was the very antithesis of a snob, but he could not hide this 'feeling of depreciation' in a letter to F. D. Maurice:

The Bradford meeting exhibited in a marvellous degree the truly British power of boring & being bored. Still, there was something wonderful in seeing such an assemblage for such objects; crowds of well-to-do people, as many ladies as men, flocking about to hear one dull paper after another, under some vague notion of duty, & with some vague purpose of good.<sup>92</sup>

Elizabeth Garrett, later Elizabeth Garrett Anderson, had doubts about attending the 1862 congress: 'It presents an opportunity for doing some knitting, if I were great in that line. I believe the meetings go on incessantly, with relays of fresh subjects and speakers (and audiences too it may be hoped) for nine days.'<sup>93</sup>

The apotheosis of metropolitan disdain, and also the best-known literary depiction of the Social Science Association, was Thomas Love Peacock's account of the 'Science of Pantopragmatics' in his satire *Gryll Grange*, published in 1860 in *Fraser's Magazine*. Pantopragmatics was practised by Lord Michin Malicho (probably Brougham) and Lord Facing-both-ways (probably Russell) 'and two or three other arch-quacks'. 'It resolves itself into lecturing, lecturing, lecturing, about all sorts of matters, relevant and irrelevant: one enormous bore prating about jurisprudence, another about statistics, another about education, and so forth.'<sup>94</sup> But

<sup>90</sup> Charles, first Viscount Halifax to Lord Rosebery, 2 Oct. 1874, Papers of the fifth earl of Rosebery, MS 10074, ff. 118–19, National Library of Scotland.

<sup>91</sup> *Daily News*, 9 Oct. 1873, 2.

<sup>92</sup> J. M. Ludlow to F. D. Maurice, 19 Oct. 1859, Ludlow papers, Cambridge University Library, Add. MS 7348/17/33.

<sup>93</sup> Elizabeth Garrett to her mother, 19 May 1862, quoted in Jo Manton, *Elizabeth Garrett Anderson* (London, 1965), 127.

<sup>94</sup> Thomas Love Peacock, *Gryll Grange* (London, 1861), 66–9.

there is another literary depiction of the Social Science Association, by an author of wider sympathies, which may balance this cynicism. In *Orley Farm*, published in 1862, Anthony Trollope seems to have modelled the international congress of lawyers depicted in the novel on the inaugural congress of the SSA. It convened in Birmingham – where the SSA had first convened – with ‘that great, old, valiant, learned, British Rustum’, called Boanerges, at its head. As ‘Boanerges never thought much of anyone but himself’ he may be taken as a portrait of the notoriously vain Brougham. For a fortnight the line from London to Birmingham was apparently ‘alive with learned gentlemen going to and fro’ and at the congress ‘numerous addresses were read, and answers made to them, and the newspapers for the time were full of the law’.<sup>95</sup> Trollope went further and actually contributed a paper himself to the SSA’s 1866 Manchester congress on the need for an international law of copyright.<sup>96</sup> It met with acclaim, not only in the congress itself, but also in the press: *The Times* declared it ‘one of the most instructive and convincing documents ever communicated to a meeting of Reformers’.<sup>97</sup> Trollope’s novels depicted the closed, upper-class worlds of Westminster and Bassetshire, but he had no aversion to expressing his views in Lancashire. His call for a campaign to force politicians to address this question was an affirmation of a politics of popular pressure and parliamentary responsiveness which validated the SSA’s function as intermediary between the two.

## IV

Three figures stand out in the history of the Social Science Association for their contributions to the organisation: John Westlake, the Association’s foreign secretary; George Woodyatt Hastings, who created the SSA and was its first general secretary; and Brougham, its president until his death in 1868.

Westlake was a distinguished international jurist and liberal reformer.<sup>98</sup> Born the son of a wool-stapler in Cornwall in 1828, he was educated at, and became a fellow of, Trinity College, Cambridge. After practising at the bar in London, he returned to his college in 1888 as

<sup>95</sup> Anthony Trollope, *Orley Farm* (1862) (World’s Classics edn, Oxford, 1970), 105, 115, 165, 181.

<sup>96</sup> Anthony Trollope, ‘On the best means of extending and securing an international law of copyright’, *T1866*, 119–26. See N. John Hall (ed.), *The Letters of Anthony Trollope*, vol. 1: 1835–70 (Stanford, Calif., 1983), 350–2.

<sup>97</sup> *The Times*, 8 Oct. 1866, 6.

<sup>98</sup> [J. Fischer Williams (ed.)], *Memories of John Westlake* (London, 1914); L. Oppenheim (ed.), *The Collected Papers of John Westlake on Public International Law* (Cambridge, 1914), vii–xii.



Professor of International Law. His *Treatise on Private International Law*, published in 1858, was the first such work in England, and it was probably the SSA's interest in aspects of international law in the 1860s, which drew him in. He attended his first congress in 1861 and was appointed Foreign Secretary. Westlake allied an exemplary liberal life to a successful career. He was a founder of the Working Men's College in London in 1854 with Maurice and the other Christian Socialists.<sup>99</sup> He was a dedicated feminist. He believed in the extension of the franchise and in the reform of the method of election as set forth in the 1860s by Thomas Hare whose relationship to the SSA is discussed below: indeed, Westlake married one of Hare's daughters.<sup>100</sup> He linked together liberalism and internationalism in his support for the rights of small nations. Westlake was an ideal emissary for the SSA in the 1860s, as it cultivated international links and was taken by many European admirers to embody the essence of British liberalism. He was elected MP for Romford in 1885, but like many Liberal intellectuals rejected Home Rule and was defeated as a Liberal Unionist in the following year. While other university liberals grew impatient with the SSA, reflecting thereby that 'feeling of depreciation' that it sometimes inspired, Westlake remained active to the end, presiding over the Jurisprudence Department at the final congress in 1884. He represented the best face of the Social Science Association: intellectually distinguished, socially engaged, politically progressive.

George Woodyatt Hastings, who was central to the Association throughout its history, bears some relation to Westlake, but was his inferior on all counts. Westlake practised law successfully and was made a QC; Hastings was reminiscent of the type of 'briefless barrister' whom the press often noticed at the SSA.<sup>101</sup> He was born in 1825 in Worcester, the only son of Sir Charles Hastings, a physician and the founder of the British Medical Association.<sup>102</sup> He was educated at Bromsgrove Grammar School and Cambridge. From his father, a Liberal who was active in several causes including anti-slavery and sanitary reform, he inherited a taste for public service. As secretary of the Law Amendment

<sup>99</sup> J. F. C. Harrison, *A History of the Working Men's College 1854-1954* (London, 1954), 31-2, 41, 111.

<sup>100</sup> On Hare and the SSA, see ch. 9, iii, below.

<sup>101</sup> [J. B. Atkinson], 'Social Science', *Blackwood's Magazine*, 90 (Oct. 1861), 464; *Edinburgh Evening Courant*, 7 Oct. 1863, 2.

<sup>102</sup> W. H. McMenemey, *The Life and Times of Sir Charles Hastings, Founder of the British Medical Association* (Edinburgh and London, 1959); J. D. Schooling, 'The County Fathers. A History of Worcestershire County Council 1889-1974' (unpublished MS, 1983, Worcester Record Office), 13-16. Fifteen articles on Hastings' life, by Mr John Pugh, were published in the *Bromsgrove Messenger*, starting on 9 Jan. 1976.

Society he was in a position to draw together the organisations and patronage required to found the Social Science Association. He claims recognition for the imagination and drive required to create the SSA. He also had the energy and thick skin needed to keep the organisation in being year after year.

Without money or connections, Hastings required a patron and stuck close to Brougham.<sup>103</sup> He wanted a political career, and tried several times to get elected, beginning in Beverley, Yorkshire, where, in 1854 and again in 1857, he failed to secure the Liberal nomination.<sup>104</sup> Many believed him fitted for parliament. The *Newcastle Daily Chronicle*, expecting him to succeed, thought he would 'be emphatically the right man in the right place'.<sup>105</sup> When there was talk of his adoption for Coventry in 1865, the unlikely figures of Charles Bray and G. J. Holyoake – Owenites and radicals both – wrote to encourage him. Bray believed Hastings to be 'just the man we want to unite all shades of Liberals', while Holyoake declared that 'Mill, [Thomas] Hughes & yourself are the only three persons best worth writing about'.<sup>106</sup> When he failed to win West Worcestershire in 1874, Pakington, a Conservative, wrote in commiseration: 'The more of such minds as yours are in the House of Commons, the better.'<sup>107</sup> Hastings took a large part in the civic life of his county, and at the 1880 election he was returned for Worcestershire East which he represented until 1892, though in 1886, like Westlake, he broke with his party over Ireland and sat thereafter as a Liberal Unionist.

Hastings was a 'type' found in many organisations: hard-working and assiduous, while also self-important and sycophantic. He was respected for his talents rather than liked.<sup>108</sup> Through the SSA Hastings met men of influence who could assist his career and became known to the whole political and administrative class of the age. Through it he was also enabled to assist the great social causes of the era. He was proof that mid-Victorian politics, still dominated by a landed 'cousinhood', was not an easy career for the son of even an eminent provincial physician. He was representative, in fact, of a new type of figure, seeking entry into public life through reform campaigns and movements in a society which had

<sup>103</sup> Hastings to Brougham, 19 Oct. 1857, B MSS, 13108.

<sup>104</sup> Hastings to Brougham 5 March, 3 April 1857, B MSS, 13085–6.

<sup>105</sup> *Newcastle Daily Chronicle*, 22 Sept. 1870, 8.

<sup>106</sup> Charles Bray to Hastings, 30 June 1865; G. J. Holyoake to Hastings, 26 June 1865, G. W. Hastings papers, Leeds.

<sup>107</sup> Sir John Pakington to Hastings, 11 Feb. 1874, G. W. Hastings papers, Leeds.

<sup>108</sup> For contrasting views of Hastings see Adelaide Proctor to Lord Houghton, 11 May 1862, Houghton MSS, Trinity College, Cambridge, 20<sup>233</sup>; Isa Craig to Sir James Kay-Shuttleworth, 2 July 1860, Kay-Shuttleworth papers, John Rylands Library, Manchester, 522.

not yet developed professional structures and organisations for this kind of activism, which thus remained voluntary and *ad hoc*. For all his many public services Hastings went unpaid, and this was to be his downfall.<sup>109</sup> But his role in creating organisations to lobby government and rouse public opinion, and his close relationship with several ministers, which will be explained below, is also indicative of the growing sophistication of policy formation in this period.

If in 1857, Hastings had his way to make, his mentor, Brougham, seemed to have his greatest achievements behind him. Traditionally, Brougham's weaknesses of character – vanity, ambition, lack of judgment, and unpredictability – are held responsible for his exclusion from Melbourne's cabinet in 1835 and the end of his leadership in parliament.<sup>110</sup> More recently, his virtues as 'a powerhouse of legislative innovation' have been emphasised, and the argument advanced that his downfall was the work of lesser men who could not match his brilliance.<sup>111</sup> In turn, the last decades of his life, which formerly attracted little attention, have been re-examined, especially his contributions to law reform.<sup>112</sup> Rather than an elder statesman in decline, he has been pictured 'at the height of his influence' in the late 1840s.<sup>113</sup> His dignified labour at the head of the Law Amendment Society and his celebrity in his last years at the SSA seem to undermine the view that Brougham's later career was a failure. As Hilton has argued, we should 'locate Brougham's significance more in the policies he espoused, and in the extra-parliamentary movements which he helped to galvanise, than in the political career which he bungled'.<sup>114</sup>

Brougham remained 'difficult' to the end. He craved attention and was intensely jealous of other men's success. He resented Russell's appointment as President of the 1858 congress and 'kept the chair through the whole of the meeting, Lord John sitting meekly at his right hand . . . From that time we felt that we had "The Old Man of the Mountain" on our backs, & that it was no use to attempt to get any other President than

<sup>109</sup> See ch. 12 below, pp. 366–7.

<sup>110</sup> On Brougham, see Robert Stewart, *Henry Brougham 1778–1868. His Public Career* (London, 1985); C. W. New, *The Life of Henry Brougham to 1830* (Oxford, 1961); Frances Hawes, *Henry Brougham* (London, 1957); 'Biographical Notice', *Works of Henry, Lord Brougham* (11 vols.) (Edinburgh, 2nd edn, 1872), I, ix–xx; John McGilchrist, *The Life of Henry, Lord Brougham* (London, 1868).

<sup>111</sup> William Thomas, *The Philosophic Radicals. Nine Studies in Theory and Practice, 1817–1841* (Oxford, 1979), 355–63, 443.

<sup>112</sup> Ronald K. Huch, *Henry, Lord Brougham: The Later Years, 1830–1868* (Lampeter, 1993), 193–203.

<sup>113</sup> Sir L. Radzinowicz and Roger Hood, *A History of English Criminal Law and its Administration from 1750*. Vol. v: *The Emergence of Penal Policy* (London, 1986), 173.

<sup>114</sup> See Boyd Hilton's review of Robert Stewart, *Henry Brougham*, *English Historical Review*, 103 (Oct. 1988), 996–8.

PUNCH, OR THE LONDON CHARIVARI.—OCTOBER 23, 1858.



TO THE TEMPLE OF FAME.

MR. PUNCH (WITH THE GREATEST RESPECT). "AFTER YOU, MY LORD!"

6. 'To the Temple of Fame'.

Lord Brougham.<sup>115</sup> He was made permanent President, therefore.<sup>116</sup> The earl of Carlisle (Morpeth), Brougham's host in Dublin for the 1861 congress, had the unenviable task of requesting him to change his text for fear of inciting religious strife in Ireland, and was altogether relieved when the President departed at the end of the meeting.<sup>117</sup> In 1866 when ill-health seemed likely to prevent him presiding, and Shaftesbury was elected President instead, a combination of personal and political antipathy to the earl led Brougham to consider absenting himself, though his wounded pride was eventually assuaged and he addressed the Association for a last time.<sup>118</sup> Soon after the congress he suffered a collapse from which he never recovered and died two years later.<sup>119</sup> It is ironic that though Brougham was an obvious candidate to take a lead at the British Association, and was pursued by its founders and organisers in the 1830s, he stood aloof and reprimanded the BAAS for 'making science a matter of popular excitement and show': no one did more to make *social* science popular and showy twenty years later than Brougham himself.<sup>120</sup> His annual addresses were outspoken, ranging beyond social science into party politics. They were tolerated until 1863 when in Edinburgh he condemned further extension of the franchise and spoke against the federal cause in the American Civil War.<sup>121</sup> This seemed paradoxical from a man bound by history to parliamentary reform and anti-slavery. Brougham's 'license of speech' and 'violation of propriety' were then criticised in the press.<sup>122</sup> The more liberal-minded members, for whom the cause of the North was an article of faith, were contemptuous: as Fawcett wrote

I have often said that I will never go to the Social Science Association again, whilst Lord Brougham is permitted annually to talk his twaddle, as if he was expressing the opinions of the members present. I should be contented if they would permit him to be contradicted. His remarks at Edinburgh last year, on America, drove me half wild.<sup>123</sup>

<sup>115</sup> Lloyd-Baker, 'My Life', pt II, ff. 10–11. <sup>116</sup> *T.1859*, xxii.

<sup>117</sup> Carlisle Diaries, Castle Howard MSS, J19/8/39, 14–21 Aug. 1861. The controversy concerned Brougham's reference to the Papal States as 'priest's government'. He was made to change this to 'ecclesiastical government'.

<sup>118</sup> Hastings to Brougham, 18 Aug., 30 Aug., 2 Sept. 1866, B MSS, 13044, 13045, 13046.

<sup>119</sup> See G. W. Hastings, 'A Note on Brougham's Last Years' (n. d.), G. W. Hastings papers, Leeds. This rebuts the suggestion that Brougham was in mental decline in his last years.

<sup>120</sup> Brougham to Adam Sedgwick (n.d., Sept. 1838), quoted in Morrell and Thackray, *Gentlemen of Science*, 163.

<sup>121</sup> Lord Brougham, 'Opening Address', *T.1863*, 6.

<sup>122</sup> *Daily News*, 8 Oct. 1863, 4; *Edinburgh Evening Courant*, 9 Oct. 1863, 2.

<sup>123</sup> Henry Fawcett to Fanny Hertz, 3 Sept. 1864, Marshall Library, University of Cambridge, Miscellaneous Letters, 1 (77).

But Brougham was also charismatic: 'See what an interest the venerable Lord Brougham creates; all eyes are directed on him wherever he appears, and crowds follow him from room to room as he visits the various sections.'<sup>124</sup> As Bessie Parkes recalled, he 'seemed always to have remained a symbolic Lord Chancellor, whoever actually sat upon the woolsack'.<sup>125</sup> In the view of the novelist, Mrs Oliphant, Brougham was 'the noble old Quixote, with his lance in rest, and all the rabble of La Mancha in his rear'.<sup>126</sup>

This was a natural response to a venerable figure who donned the mantle of elder statesman. Past indiscretions were forgotten, present ones generally overlooked, and Brougham discovered a new audience prepared to indulge him. But there was something more: Brougham was a link to an heroic past, when battles between progress and reaction were more keenly contested and the liberal cause faced more powerful foes. The 'Age of Equipoise' was characterised by the wide diffusion and acceptance of liberal principles, and encouraged moderate reforms of the sort promoted by the SSA. But Brougham, in the title of a cartoon in *Punch*, was 'The Old Real Reformer' who had vanquished an illiberal *ancien régime* – its religious and electoral exclusivism, neglect of the people, toleration of ignorance, and trade in human beings.<sup>127</sup> In Holyoake's phrase, Brougham was a 'hero of Liberalism'.<sup>128</sup> When Russell told the inaugural congress that they had 'heard once more that voice which fulminated over Europe and destroyed the Slave Trade', he was paying more than ritual homage. According to Bessie Parkes, 'the memory of his great speeches in the Anti-Slavery cause, and in the defence of Queen Caroline, still lingered in the ears of his contemporaries'.<sup>129</sup> Brougham's early nineteenth-century triumphs were remembered with admiration when the Liberal press reflected on the Social Science Association for they helped bind together two generations of Liberal progress, the latter now gaining inspiration from the former.<sup>130</sup>

Why should Gladstone in the late 1850s and early 1860s have suddenly allowed himself to be cultivated by Brougham? Why should the 'coming man' in Liberal politics have made four visits to Brougham Hall to be with a figure with whom he had had the most limited

<sup>124</sup> *Birmingham Daily Press*, 15 Oct. 1857, 2.

<sup>125</sup> Bessie Rayner Belloc, *A Passing World* (London, 1897), 16.

<sup>126</sup> [Margaret Oliphant] 'Social Science', *Blackwood's Edinburgh Magazine*, 88 (Dec. 1860), 707.

<sup>127</sup> *Punch*, 22 Oct. 1859, 167.

<sup>128</sup> Landor Praed [G. J. Holyoake], *Life of the Celebrated Lord Brougham* (London, 1868), 16.

<sup>129</sup> Belloc, *A Passing World*, 16. <sup>130</sup> *Daily News*, 14 Oct. 1857, 4; *Daily Telegraph*, 9 Oct. 1863, 4.

PUNCH, OR THE LONDON CHARIVARI.—OCTOBER 22, 1859.



THE OLD REAL REFORMER.

THERE WAS NO STOPPING THE SLAVE-TRADE UNTIL I MADE IT *FELONY*, AND SO IT WILL BE WITH ELECTION BRIBERY."—Lord Brougham at Bradford.

contact hitherto?<sup>131</sup> The answer may be found in Brougham's iconic status as the soul of Liberal reform. Brougham had no power, but to a man like Gladstone, losing touch with his Tory past and moving towards fusion with Liberalism, Brougham may have had a special status as the historic embodiment of the creed to which he was now tending. There was something to be gained by accepting his friendship, and perhaps something to learn from Brougham. For Brougham's career was a living lesson in specifically Whig history, embodying the libertarian tradition of Whig-inspired reforms that had supposedly brought freedom and representation to the people. For Liberals in particular, and mid-Victorians in general, Brougham linked them to a version of the past which dignified their own labours in the present. He made it possible to place 'social science' in that same and apparently ongoing tradition of nineteenth-century liberal reform. He helped the crowds who flocked to hear him place themselves in a particular version of liberal history and reach a certain understanding of who they were and what remained to be accomplished.

<sup>131</sup> Gladstone visited Brougham Hall on 22 Oct. 1857 (just after the inaugural SSA congress), 1 Sept. 1858, 4 Oct. 1862, and 10 Oct. 1864. See W. E. Gladstone, *The Gladstone Diaries* (ed. H. C. G. Matthew) (14 vols., Oxford, 1968–94), v, 257, 322; vi, 151, 305.



PART II

*Reform*



## CHAPTER 4

### *Liberalism divided and feminism divided: women and the Social Science Association*

‘When at some future day women look back from the serene heights of freedom and equality upon the difficult and painful steps which led thither, they will gratefully acknowledge the aid which its meetings have afforded to their cause.’<sup>1</sup> So wrote the *Englishwoman’s Review* about the Social Science Association. In an emergent women’s movement without a single institutional focus, and divided into different campaigns, the SSA came as close as any organisation to representing women in public. It is credited with legislative successes – among them the Married Women’s Property Act of 1870 – and practical advances in women’s social position. It was a platform where women could present their ideas on the development of their interests not only to a proximate audience of supportive feminists – men as well as women – but to more sceptical national audiences requiring persuasion.<sup>2</sup>

Yet this uncomplicated picture of the relationship between mid-Victorian social science and feminism, though generally accurate, masks tensions between groups of women and other constituencies at the Social Science Association, and among women themselves. There were disagreements over the nature of women’s participation in society, over methods women might employ to raise their status, and over the very women’s questions to be considered at the Association. Divisions over the issue of the Contagious Diseases Acts brought some women into conflict with erstwhile allies at the SSA. The conventional picture of harmonious collaboration between women and the Association must be modified, therefore, for debates at the SSA illustrated divisions within feminism and also within liberalism.

<sup>1</sup> *Englishwoman’s Review* (15 Oct. 1877), 450; see also *ibid.* (15 May 1886), 193–6.

<sup>2</sup> Anne C. Taylor, ‘The Role of the National Association for the Promotion of Social Science in the Women’s Movement’ (unpublished MA thesis, Leicester University, 1976); Kathleen McCrone, ‘The National Association for the Promotion of Social Science and the Advancement of Victorian Women’, *Atlantis*, 8, 1 (Fall 1982), 44–66.

The first feminist campaign in Britain for protection of a wife's property after marriage had played a part in the creation of the Social Science Association, and had brought it female adherents from the outset.<sup>3</sup> This relationship evolved once the Association began work. The original Married Women's Property Committee developed into the so-called Langham Place Circle of women activists led by Bessie Rayner Parkes and Barbara Leigh Smith (from 1857 Barbara Bodichon). With the help of G. W. Hastings, secretary of the SSA, the group established the first feminist periodical in Britain, the *Englishwoman's Journal* (later the *Englishwoman's Review*) in 1858.<sup>4</sup> It took especial interest in women's employment and education, and looked to the congresses of the SSA as a way of reaching wider audiences.<sup>5</sup> By origin, background, and temperament these women were for the most part members of the reforming middle class, the very group who comprised the active participants of the Association.<sup>6</sup> Bessie Parkes' father, for example, the radical MP Joseph Parkes, was a close colleague of Brougham's – 'his Lordship's representative in the *Morning Chronicle*'<sup>7</sup> – and a friend of G. W. Hastings, which could only have assisted his daughter's attempts to get the Association to address women's issues.<sup>8</sup> Meanwhile, Barbara Bodichon's father, Benjamin Smith, and her grandfather, were both radical, reforming MPs and also associates of Brougham, and Barbara was a cousin of Florence Nightingale.<sup>9</sup> It has been suggested that the feminism of these pioneer women's activists was the product of familial and class traditions of radicalism.<sup>10</sup> They found a sympathetic audience in an organisation

<sup>3</sup> See ch. 1, pp. 46–51.

<sup>4</sup> Bessie Parkes to Hatty Hosmer, 30 Dec. 1857, Bessie Rayner Parkes papers, Girton College, Cambridge, BRP ix, f. 32.

<sup>5</sup> C. A. Lacey (ed.), *Barbara Leigh Smith Bodichon and the Langham Place Group* (London, 1986); Pam Hirsch, *Barbara Leigh Smith Bodichon 1827–1891: Feminist, Artist and Rebel* (London, 1998), 193–4; Barbara Caine, *English Feminism 1780–1980* (Oxford, 1997), 94–5; Philippa Levine, *Victorian Feminism 1850–1900* (London, 1987), 14–15.

<sup>6</sup> Levine, *Victorian Feminism*, 21; Jane Rendall, 'Friendship and Politics. Barbara Leigh Smith Bodichon (1827–91) and Bessie Rayner Parkes (1829–1925)' in S. Mendus and J. Rendall (eds.), *Sexuality and Subordination. Interdisciplinary Studies of Gender in the Nineteenth Century* (London, 1989), 137.

<sup>7</sup> *The Prime Ministers' Papers: Wellington's Political Correspondence I: 1833–Nov. 1834* (ed. J. Brooke and J. Gandy) (London, 1975), 554.

<sup>8</sup> Hastings to Brougham, 28 Sept. 1865, B MSS, 13039.

<sup>9</sup> Hirsch, *Barbara Leigh Smith Bodichon*, vii.

<sup>10</sup> A. Vickery, 'Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History', *Historical Journal*, 36, 2 (1993), 392; C. Hall, K. McClelland, and J. Rendall, *Defining the Nation. Class, Race, Gender and the British Reform Act of 1867* (Cambridge, 2000), 125.

dedicated to reform whose founders and leading spirits were often connected, personally and politically, with their families.<sup>11</sup>

The Social Science Association may lay claim to have been the first public platform for middle-class women in British history.<sup>12</sup> Working-class women spoke in public as preachers in the early nineteenth century; freethinking female members of radical movements lectured to mixed audiences from the 1830s. The wives and daughters of bourgeois families did not come before the public, however. Hence the significance of an organisation which 'assumed the right of woman to sit in an assembly deliberating on social affairs – nay, to express her opinion in that assembly if she chooses'.<sup>13</sup> In 1851 Mary Carpenter would not speak at the first reformatory conference she had helped organise, for 'to have lifted up her voice in an assembly of gentlemen would have been, as she then felt, tantamount to unsexing herself'.<sup>14</sup> But in 1857 she read herself her paper on 'Female Reformatories' at the inaugural Birmingham congress.<sup>15</sup> She 'sat surrounded by the first men of England, Brougham, Russell and Stanley among the number, raised her own voice, and was listened to with equal interest and veneration'.<sup>16</sup> The event was such an object of curiosity that a great crowd gathered to hear her and the meeting had to move to a larger room – the Theatre of the Midland Institute – to accommodate the audience. As Bessie Parkes recalled, 'When Miss Carpenter spoke . . . hearers poured in from the other sections and sat, not only in every available corner, but on steps, or on anything they could find upon the floor.'<sup>17</sup> Interestingly, the vote of thanks to Miss Carpenter was

<sup>11</sup> Pam Hirsch has made the interesting suggestion, based on a comment in Bessie Parkes's memoirs, that Barbara Bodichon persuaded Brougham to open the SSA to women. Given the public prominence of women in the mid-1850s, the co-operation between the Langham Place circle and the Association's founders 1854–7, and the presence of women at the SSA's founding meeting, it is perhaps more likely that women's participation in the SSA was simply automatic. Hirsch, *Barbara Leigh Smith Bodichon*, 193; Bessie Rayner Belloc, *A Passing World* (London, 1897), 20.

<sup>12</sup> *Englishwoman's Journal*, 8 (1861), 61. <sup>13</sup> *Ibid.* 2 (Oct. 1858), 124.

<sup>14</sup> J. E. Carpenter, *The Life and Work of Mary Carpenter* (2nd edn, London, 1881), 126.

<sup>15</sup> *Birmingham Daily Press*, 17 Oct. 1857, 2. Mary Carpenter, 'Reformatories for Convicted Girls', *T. 1857*, 338–46. McCrone suggests that Carpenter's papers to the SSA were read by men. In press accounts it is clear that she read her paper in 1857 and continued to read herself in subsequent years. McCrone, 'The National Association', 47.

<sup>16</sup> *Englishwoman's Journal*, 2 (Oct. 1858), 124. Sheila Fletcher relates this quotation to 1858, but it actually applies to the inaugural congress at Birmingham in 1857. See Sheila Fletcher, *Feminists and Bureaucrats. A Study in the Development of Girls' Education in the Nineteenth Century* (Cambridge, 1980), 15. For other discussions of women's first participation in the Association see Ray Strachey, *The Cause. A Short History of the Women's Movement in Great Britain* (1928, 1978 edn, London), 87; Frances Hawes, *Henry Brougham* (London, 1957), 293.

<sup>17</sup> Belloc, *A Passing World*, 16–17. It is not clear if this account refers specifically to Carpenter's 1857 paper or to her addresses in general.

acknowledged by her brother: to speak in public was one thing, but to acknowledge applause would have infringed feminine modesty.<sup>18</sup> Three years later she became the first woman to address the British Association for the Advancement of Science.<sup>19</sup> Indeed, a comparison with the British Association is instructive, for in its first years in the early 1830s it had tried to limit women's participation to the purely social rather than scientific meetings. If women, for their part, simply ignored the prohibition, and, from the late 1830s, forced entry to the sectional meetings of the British Association, they were nevertheless 'irrelevant to its manifest purposes and debarred from any formal say in its government'.<sup>20</sup> A generation later, the Social Science Association granted women full membership, encouraged their participation, and addressed their causes.

At the earliest congresses many contributions from women were read for them by men: Florence Nightingale communicated seven papers in this manner, beginning in 1858.<sup>21</sup> In 1859 women came forward in greater numbers to speak for themselves, and by the 1870s women's contributions were routine.<sup>22</sup> The sheer novelty of women addressing a public assembly was an initial talking-point<sup>23</sup> and drew large and appreciative audiences: when Emily Faithfull gave a paper in Edinburgh she attracted 'upwards of 1,000 members'.<sup>24</sup> The excitement of speaking is captured in a delightful sequence of letters from Bessie Parkes to Barbara Bodichon in the autumn of 1859. They had composed a paper on 'The Market for Educated Female Labour' and Bessie Parkes delivered it to the Social Economy Department.<sup>25</sup> As she reported subsequently,

I had a *most* successful week at Leeds and Bradford. I read our paper to a crowded section. 200 people listening at the very least; Mrs. Jameson and Miss Twining on the platform beside me. Section B of the Social Economy was occupied all day with female interests and Lord Brougham came and sat with us for 10 minutes... we ladies staid on the platform all day among the gentlemen. Did you ever hear of such a thing! It really was an extraordinary scene, and

<sup>18</sup> *Birmingham Daily Press*, 17 Oct. 1857, 2.

<sup>19</sup> Sir Leon Radzinowicz and Roger Hood, *A History of English Criminal Law and Its Administration from 1750*, Vol. v: *The Emergence of Penal Policy* (London, 1986), 164.

<sup>20</sup> J. Morrell and A. Thackray, *Gentlemen of Science. Early Years of the British Association for the Advancement of Science* (Oxford, 1981), 148–57 (quotation at 149).

<sup>21</sup> Florence Nightingale, 'Notes on the Sanitary Condition of Hospitals', *T.1858*, 462–8.

<sup>22</sup> *Englishwoman's Review*, 15 (Oct. 1877), 449–50. See also *ibid.* (Jan. 1872), 27; (15 Nov. 1878), 507; (14 Oct. 1882), 433.

<sup>23</sup> 'I am going to Sheffield tomorrow to hear some of the lectures as I have only been to the Soirees [*sic*] yet. I am very curious to hear some of the women speak or read papers.' Viscount Milton to Lord Houghton, 8 Oct. 1865, Houghton MSS, Trinity College, Cambridge, 32<sup>179</sup>.

<sup>24</sup> *The Bee-Hive*, 17 Oct. 1863, 3. <sup>25</sup> *T.1859*, 727–8; *Englishwoman's Journal*, 4 (1859), 145–52.

equivalent to women in Parliament . . . People all told me I read excellently and I tell you, not from conceit but because I know it will please you. In the morning I read it all over to the bedpost! <sup>26</sup>

The *Englishwoman's Journal* encouraged its readers to give papers in person.<sup>27</sup> Yet many were reluctant and felt they had to justify drawing attention to themselves. Elizabeth Garrett, the first woman to train and practise medicine in Britain, wrote to Emily Davies, the founder of Girton College, Cambridge, seeking guidance on whether to read a paper at the 1866 congress:

For several reasons I incline to doing it myself, but I shall not like to do it if you think it unwise. My reasons are 1st that it is a pity to let the woman's element in the Assn. expire for want of people who will use the liberty offered them. 2nd that reading papers is the first step towards being allowed to join in discussions: 3rd that the paper would be more attended to if I read it myself. 4th that I have a tolerably strong voice and am neither hideous, young, nor beautiful. If you think these reasons sufficient, I will practise reading aloud.<sup>28</sup>

The multiple anxieties about the politics of public speaking, womanly decorum, and appearance, are evidence of the dilemmas women faced when entering the public sphere.<sup>29</sup>

One hundred and twenty-six women gave papers at congresses of the Social Science Association, contributing 269 papers out of more than three thousand printed in full or abbreviated form in the *Transactions*. Approximately one hundred papers given by these women concerned the women's movement broadly conceived. There were also several dozen papers contributed by men on women's issues. Among those women who formally addressed the SSA, in many cases on several occasions, were Dorothea Beale,<sup>30</sup> Lydia Becker,<sup>31</sup> Barbara Bodichon, Jessie Boucherett,<sup>32</sup> Mary Carpenter,<sup>33</sup> Emily Davies,<sup>34</sup> Emily

<sup>26</sup> Bessie Rayner Parkes to Barbara Bodichon, 19 Oct. 1858, Bessie Rayner Parkes papers, V92. See also Parkes to Bodichon, 5, 17, Nov. 1858, V93–4.

<sup>27</sup> *Englishwoman's Journal*, 4 (Nov. 1859), 215.

<sup>28</sup> Emily Davies papers, Girton College, Cambridge, 'Family Chronicle', f. 497.

<sup>29</sup> *Englishwoman's Journal*, 2 (Oct. 1858), 124; Frances Power Cobbe, 'Social Science Congresses and Women's Part in Them', *Macmillan's Magazine* (Dec. 1861), 93.

<sup>30</sup> Dorothea Beale (1831–1906): Principal of Cheltenham Ladies' College.

<sup>31</sup> Lydia Becker (1827–90): Secretary of Manchester National Society for Women's Suffrage from 1867. Editor of *Women's Suffrage Journal* from 1870 to 1890.

<sup>32</sup> Emilia Jessie Boucherett (1825–1905): founded the Society for Promoting the Employment of Women; co-organiser of the first parliamentary petition for women's suffrage, 1866; edited the *Englishwoman's Review* 1866–71.

<sup>33</sup> See ch. 6, pp. 144–5.

<sup>34</sup> Sarah Emily Davies (1830–1921): founder of Girton College, Cambridge. Member of the London School Board, 1870–3.

Faithfull,<sup>35</sup> Elizabeth Garrett,<sup>36</sup> Octavia Hill,<sup>37</sup> Sophia Jex-Blake,<sup>38</sup> Florence Nightingale, Bessie Parkes, Maria Susan Rye,<sup>39</sup> Emily Shirreff,<sup>40</sup> Louisa Twining,<sup>41</sup> and Elizabeth Wolstenholme.<sup>42</sup> It is a list of leading women of the age with the omission of the suffragist Millicent Garrett Fawcett – though she did read the address of her blind husband, Professor Henry Fawcett, to the 1868 congress.<sup>43</sup> At one level there is a simple explanation for her personal silence: the Association's deliberate neglect of strictly political and constitutional questions which were beyond the remit of a supposedly apolitical forum. The omission reveals the ideological parameters within which the Association's feminism operated, however. Many of the women who participated, such as Emily Davies, viewed women's suffrage – whatever its intrinsic merits and their private views – as liable to taint the women's movement with a radicalism that would undercut the general benefits to be achieved in widening women's participation in strictly social spheres. Women's employment was considered a fit subject for the SSA, but votes for women was not.<sup>44</sup>

Individual women members of the Association were few in number: just 22 out of a membership of 1,064 in 1865–6; 22 out of 956 in 1870–1; 15 out of 1,173 in 1874–5; and 14 out of 890 in 1880–1. It was so novel to grant women membership of a public organisation that it had to be explained to the local secretary of the first Liverpool congress that women were

<sup>35</sup> Emily Faithfull (1835–95): printer, publisher, and feminist who established the Victoria Press for Women and *Victoria Magazine*.

<sup>36</sup> Elizabeth Garrett (Anderson) (1836–1917): first English woman doctor. Established a women's dispensary in 1866 which developed into the New Hospital for Women, London, where she was senior physician.

<sup>37</sup> Octavia Hill (1838–1912): worked for the improvement of housing of the London poor. A founder of the Charity Organisation Society in 1869 and National Trust in 1895.

<sup>38</sup> Sophia Louisa Jex-Blake (1840–1912): pioneer of medical education for women. Founded medical schools for women in London (1874) and Edinburgh (1886).

<sup>39</sup> Maria Susan Rye (1829–1903): founded the Female Middle Class Emigration Society in 1861. Later involved in the emigration of pauper children.

<sup>40</sup> Emily Shirreff (1814–97): women's educationist. Published in 1850 (with her sister Maria Georgina Grey) *Thoughts on Self-Culture Addressed to Women*. Honorary Mistress, Girton College, 1870. A founder of the Girls' Public Day School Company, 1872.

<sup>41</sup> Louisa Twining (1820–1912): founder and Secretary of the Workhouse Visiting Society, 1858. President of the Women's Local Government Society.

<sup>42</sup> Elizabeth Clark Wolstenholme (1834–1913): schoolteacher and radical feminist, active in the North of England Council for the Higher Education of Women in 1860s. Joined the Women's Social and Political Union, 1905. After her marriage in 1874 she was known as Elizabeth Wolstenholme-Elmy.

<sup>43</sup> David Rubinstein, 'Victorian Feminists: Henry and Millicent Garrett Fawcett' in Lawrence Goldman (ed.), *The Blind Victorian. Henry Fawcett and British Liberalism* (Cambridge, 1989), 82.

<sup>44</sup> *Daily Telegraph*, 9 Oct. 1871, p. 5



not to be classed as 'associates'.<sup>45</sup> In some cases, women were attached through the membership of husbands or fathers; others engaged with the Association through the corporate membership of women's organisations. Hundreds more attended congresses by purchasing special 'ladies' tickets'. The Association opened its administrative offices to women. In 1865–6, eleven out of fifty-two members of the Standing Committee of the Education Department were women, though no woman was ever on the Association's governing Council.<sup>46</sup> The appointment as Hastings' assistant in 1857 of Isa Craig, an authoress who frequented Langham Place, was a much-discussed feature of the SSA's early days. Hastings later explained that he'd been told it was both 'impossible' and 'improper'.<sup>47</sup>

The Association drew new participants into the cause. Lydia Becker became a dedicated suffragist after hearing Barbara Bodichon in Manchester in 1866, and Isabella Tod, 'backbone of the women's movement in Ireland', took up the work after attending the 1867 Belfast congress.<sup>48</sup> The SSA also brought women into association with sympathetic men, as the case of Emily Davies demonstrates. She delivered a paper to the 1862 London congress and was employed for the duration of the meeting 'as a sort of Assistant Secretary *pro tem*'. In this way she met individuals 'who afterwards became friends and allies', such as John Westlake, Ernest Noel, and Joshua Fitch.<sup>49</sup> She was seeking male support two years later in her paper at York on girls' education, when she contended that it was not simply a 'woman's question' but required the action of 'thinking men'.<sup>50</sup> Four years later she delivered a paper setting out plans for what would soon become Girton College and was on the lookout for powerful patrons.<sup>51</sup> As she wrote to Bodichon,

We had an encouraging week of Social Science and enjoyed it. The College was a very new idea, but it was well received... Mr. Samuel Morley was present, and seemed much interested. I wrote a letter to him yesterday... He has £50,000 a year and does not spend £10,000, and gives largely to things that

<sup>45</sup> Isa Craig to George Melly, 31 July 1858, Melly papers, Liverpool Record Office, 920 MEL 6, II, 539.

<sup>46</sup> *SP* 1865–6, Supplement, 18–47. <sup>47</sup> *Englishwoman's Journal*, 8 (1861), 60.

<sup>48</sup> Mary Lyndon Shanley, *Feminism, Marriage and the Law in Victorian England 1850–1895* (Princeton, 1989), 55–6; Janet Howarth, 'Gender, Domesticity and Sexual Politics' in Colin Matthew (ed.), *The Nineteenth Century. The British Isles: 1815–1901* (Oxford, 2000), 188.

<sup>49</sup> B. Stephen, *Emily Davies and Girton College* (London, 1927), 75. Her 1862 paper was not published. Ernest Noel (1831–1931) was Chairman of the Artisans' Dwellings Company and a Liberal MP 1874–86. Sir Joshua Fitch (1824–1903) was a trainer of teachers and inspector of schools who assisted in the foundation of Girton College and the Girls' Public Day School Company.

<sup>50</sup> *T* 1864, 402–3. <sup>51</sup> *T* 1868, 400–3.

he approves . . . I am sure this is most useful work. We want to make as many friends as possible, not only for the present, but with a view to getting public money by and by.<sup>52</sup>

The recurrent women's questions at the SSA concerned legal reform, secondary and higher education, employment and training. As will be shown below, the Association's focus on the reform of secondary education in England, which led to the appointment of the Taunton Commission in 1864, offered women educationists the opportunity to broaden the enquiry to include consideration of the education of girls as well as boys.<sup>53</sup> There was a parallel interest in improving women's educational qualifications, and hence providing them with the means to enter higher education. In October 1862 the Association formed a committee of men and women to secure women's eligibility for the new university 'local examinations' which were introduced by Oxford and Cambridge in the late 1850s to help raise standards in secondary schools.<sup>54</sup> The success of an experimental examination for girls under the auspices of the Cambridge Local Examinations Syndicate in December 1863, and pressure from the SSA at a special meeting in April 1864, helped secure formal admission to the examinations administered by Cambridge in the following year.<sup>55</sup>

Over time, the Association changed public perceptions on the issue of women's employment. According to *The Times* in 1862, that this 'crochet' had 'attracted the notice of grave and sensible men and won its way to public favour' was 'chiefly owing to the ventilation secured for it in the Social Economy Department of these Congresses'.<sup>56</sup> There were many papers at the SSA on women's difficulties in finding respectable and rewarding labour, including several discussions of nursing and teaching as fit vocations for women. Six women physicians spoke at the Association, assuming automatically the status of role models.<sup>57</sup> The Association supported practical ventures established under its wing, notably the Society for Promoting the Employment of Women and the Victoria Press. Jessie Boucherett had come to London in 1859 with the aim of establishing an

<sup>52</sup> Stephen, *Emily Davies*, 178. <sup>53</sup> See ch. 8, pp. 240–1, 251–2.

<sup>54</sup> *T.1862*, 336–42. Stephen, *Emily Davies*, 82–4; McCrone, 'The National Association', 48–9; Hirsch, *Barbara Leigh Smith Bodichon*, 244–5.

<sup>55</sup> *Report of a Discussion on the Proposed Admission of Girls to the University Local Examinations, held at a Special Meeting of the National Association for the Promotion of Social Science on Friday, April 29th 1864* (London, 1864). *T.1864*, xxxiv. Emily Davies, 'Family Chronicle', ff. 357–9. Fletcher, *Feminists and Bureaucrats*, 17. Stephen, *Emily Davies*, 90–2.

<sup>56</sup> *The Times*, 5 June 1862, 8.

<sup>57</sup> Elizabeth Blackwell, Elizabeth Garrett Anderson, Frances Hoggan, Sophia Jex-Blake, Edith Pechey (Mrs Phipson, MD), and Alice Vickery.

organisation to assist women into employment.<sup>58</sup> Her paper, and that by Parkes and Bodichon at the Bradford congress later that year on the need for paid work for middle-class women, prompted a subsequent investigation of 'the extension of the industrial employment of women' by a committee established by the Association.<sup>59</sup> With the support of the SSA, the Society for Promoting the Employment of Women was born.<sup>60</sup> Printing had been suggested to the committee as a suitable industrial employment for women and the Society assisted Emily Faithfull to establish the Victoria Press, where all the employees were women.<sup>61</sup> In 1862 Miss Faithfull became 'printer and publisher in ordinary' to the Queen. The SSA assisted by placing its own publications for printing with her.

The Association also sponsored organisations that gave middle-class women useful voluntary work. The Ladies National Association for the Diffusion of Sanitary Knowledge, known as the Ladies Sanitary Association, was founded in 1858 by Isa Craig and Elizabeth Garrett among others, and spread principles of public health among working-class women.<sup>62</sup> The Manchester branch has the distinction of having introduced the practice of visiting homes directly after a birth.<sup>63</sup> Louisa Twining's Workhouse Visiting Society, founded under the Association's auspices in the same year, was more than just a vehicle for traditional womanly assistance to the poor.<sup>64</sup> It promoted the improvement and standardisation of conditions under the Poor Law, helped spread good practice in workhouses, and introduced some women to the serious investigation of poverty.<sup>65</sup> Nevertheless, the impression remains that relatively few women who engaged in such activity and who looked to the Social Science Association to encourage it, moved beyond the psychology of 'good works' to a more sophisticated analysis of the problem of poverty.<sup>66</sup>

<sup>58</sup> Jane Rendall, '“A Moral Engine”? Feminism, Liberalism and the *English Woman's Journal*' in Jane Rendall (ed.), *Equal or Different? Women's Politics 1800–1914* (Oxford, 1987), 119.

<sup>59</sup> *T.1859*, 728–9. *T.1859*, xxxv. 'Report of the Society for the Employment of Women', *T.1860*, xviii–xx.

<sup>60</sup> Levine, *Victorian Feminism*, 87–8; Howarth, 'Introduction', xxiv. M. E. Tusan, '“Not the Ordinary Victorian Charity”: The Society for Promoting the Employment of Women Archive', *History Workshop Journal*, 49 (Spring 2000), 221–30.

<sup>61</sup> *T.1860*, 819–22. Taylor, 'The Role of the National Association', 56; Levine, *Victorian Feminism*, 89–90; Hirsch, *Barbara Leigh Smith Bodichon*, 192.

<sup>62</sup> *T.1858*, 531–2; *T.1874*, 748.

<sup>63</sup> G. Kitson Clark, *An Expanding Society. Britain 1830–1900* (Cambridge, 1967), 155.

<sup>64</sup> *T.1858*, xxxi, 666–71; *T.1860*, xx–xxi; Louisa Twining, *Recollections of Life and Work* (London, 1893), 135. G. W. Hastings to Brougham, 21 Sept. 1859, B MSS, 7656.

<sup>65</sup> McCrone, 'The National Association', 48.

<sup>66</sup> F. K. Prochaska, *Women and Philanthropy in Nineteenth Century England* (Oxford, 1980), 133–4.

To be interested in social science was a characteristic of the 'new woman'. Trollope's Lady Laura Standish, who beguiled Phineas Finn, 'professed to have a care for all the affairs of the world. She loved politics, and could talk of social science.'<sup>67</sup> In Louisa May Alcott's novel, *Silver Pitchers*, the heroine, Anna, demonstrated her seriousness by giving up light reading: 'No more novels now; no more sentimental poetry lounging in a hammock. She sat erect upon a hard rock and read Buckle, Mill and Social Science Reports with a diligence that appalled the banished dawdlers who usually helped her kill time.'<sup>68</sup> To prove that English women of the 1860s were more intellectually inclined and politically aware than their French counterparts, Hippolyte Taine described the contents of the *Englishwoman's Review* to his readers, and drew attention to women's contributions in the SSA's *Transactions*.<sup>69</sup> Social Science had become part of the repertoire of the educated, independent-minded, middle-class young woman of the 1860s and 1870s.

It was just this aspect of the woman's movement that drew barbs and sarcasm. *Blackwood's Magazine* kept up a running commentary. In 1860 Mrs Oliphant poked fun at the Association's deliberations on work for unmarried women<sup>70</sup> and in the following year its correspondent advocated the outright suppression of women's contributions.<sup>71</sup> This was to be expected, as was the bile of the *Saturday Review*, which liked neither the Social Science Association nor the women's movement singly, and abhorred them even more in combination. It decried 'the Universal Palaver Association' and 'female loquacity' in London in 1862.<sup>72</sup> The *Edinburgh Evening Courant*, a Conservative newspaper, lampooned 'stale virgins of mature years and ferocious aspect who expound violent views of "women's rights"'.<sup>73</sup> The women of Edinburgh were undismayed: some 907 of them, a record, purchased ladies' tickets for the 1863 congress in the city.

Despite such caricatures in the press, the SSA did not endorse wholesale gender equality. Many at the Association believed that women and men had different attributes and should play different if complementary roles in the public sphere. One member of the Law Amendment Society

<sup>67</sup> Anthony Trollope, *Phineas Finn. The Irish Member* (1869) (World Classics edn, Oxford, 1982), 1, 120.

<sup>68</sup> Louisa M. Alcott, *Silver Pitchers: and Independence. A Centennial Love Story* (Boston, 1876), 70–1.

<sup>69</sup> Hippolyte Taine, *Notes on England (1860–1870)* (1995 edn, London), 74–5.

<sup>70</sup> [Margaret Oliphant], 'Social Science', *Blackwood's Edinburgh Magazine*, 88 (Dec. 1860), 698–715, esp. 712–15.

<sup>71</sup> [J. B. Atkinson], 'Social Science', *ibid.* (Oct. 1861), 90, 471.

<sup>72</sup> *Saturday Review* (14 June 1862), 668. <sup>73</sup> *Edinburgh Evening Courant*, 9 Oct. 1863, 2.

protested in 1856 against 'those who wished to raise woman out of the sphere in which God and nature had placed her', though he accepted that the evils of the law of property as they affected women 'were great and unquestionable' and should therefore be remedied.<sup>74</sup> It is perhaps unsurprising that to a social conservative like the earl of Shaftesbury there existed distinct mental spheres for men and women.<sup>75</sup> But these views were echoed by a liberal intellectual like F. D. Maurice. In a paper to the 1865 congress he spoke of his experience in teaching boys and girls, from which he had drawn lessons as to the different mental attributes of the sexes; 'each had capacities which the other did not possess, and which could only be unfolded through the help of the other . . . each had defects answering to these capacities, which can only be remedied by the same help'.<sup>76</sup>

This was a common view at the Social Science Association, and was held by women activists themselves. Even a radical feminist like Barbara Bodichon believed that women were temperamentally distinguishable from men, and that these differences in nature and talent mandated a different role: 'Women will rather prefer those nobler works which have in them something congenial to their moral natures.'<sup>77</sup> This may have been a strategic position: at a time when women needed male support it would have been counter-productive to have espoused a strident egalitarianism. An argument for 'difference', after all, allowed women a distinctive social function – which was better than no function at all. Nevertheless, the belief in moral and mental differences between the genders was characteristic of this period, and was held in public by women as well as men.

## II

'So all activity has gone in other directions & will for some time. No one cares for the Law in England any more, all [are] mad about needle women being thrown out of employ by the sewing machine.'<sup>78</sup> So wrote Barbara Bodichon in a letter in 1861, signalling that the women's movement changed direction after 1857 to focus on the economic rather than

<sup>74</sup> *LAJ* (1855–6), 88 (26 May 1856).      <sup>75</sup> Earl of Shaftesbury, 'Opening Address', *T.1859*, 10.

<sup>76</sup> *T.1865*, 269–70.

<sup>77</sup> Sheila Herstein, *A Mid-Victorian Feminist. Barbara Leigh Smith Bodichon* (New Haven and London, 1985), 128, 133–4.

<sup>78</sup> Barbara Bodichon to Caroline Healey Dall, 22 March 1861, Caroline Wells Healey Dall papers, Massachusetts Historical Society, 3.6. Ellen Jordan, *The Women's Movement and Women's Employment in Nineteenth Century Britain* (London, 1999), 156.

the legal position of women. The passage of the Divorce Act, including clauses for the protection of the property of wives legally separated from, or deserted by their husbands, rather than the enactment of the principle that a woman in marriage should be treated in the same way as her unmarried sister – in legal terms, as a *feme sole* – left the issue of a wife's property rights unresolved.<sup>79</sup> The worst abuses had been dealt with and parliament had indicated its unwillingness to proceed to a comprehensive measure of equality.

The re-emergence of the issue in the mid-1860s was hardly surprising, however; legal inequality remained, and cases of abuse continued. Reformers who wanted to fuse equitable and common law jurisdictions continued to see the issue of married women's property as a test case in their campaign. The SSA's support for women's causes and its commitment to law reform made it the focus for feminist activism. In addition, the issue was an utterly uncomplicated one for the Association. It was about defective and discriminatory laws and the essential liberalism of the Association mandated only one view. Many of the proponents of the reform at the Social Science Association expressed themselves in terms of classical liberal virtues in opposition to the dependency and inequality enshrined in the common law regulating marriage. Arthur Hobhouse argued that women should become 'free and responsible moral agents'.<sup>80</sup> Hastings recommended the desired reforms because they would treat a woman 'as a responsible creature, capable of exercising common sense, and of looking after her own affairs'.<sup>81</sup> F. W. H. Myers, a fellow of Trinity College, Cambridge, commended the 'sense of pecuniary responsibility' among women that would follow reform of the law.<sup>82</sup> To Elizabeth Wolstenholme 'modern civilisation . . . consists in the growing perception of the rights of *individuals*, and in the security afforded to these rights by law'.<sup>83</sup> Reform of the laws of property in marriage was part of the march of liberal progress.

The parliamentary history of the campaign that saw the passage of the first Married Women's Property Act is well known. In 1868 and again in 1869 a bill drafted by the SSA, largely based on the unsuccessful 1857 measure, was introduced in the House of Commons.<sup>84</sup> On the first

<sup>79</sup> See ch. 1, pp. 49–51. <sup>80</sup> *T.1868*, 244.

<sup>81</sup> *T.1878*, 154. <sup>82</sup> *T.1868*, 280 <sup>83</sup> *T.1875*, 266.

<sup>84</sup> Lee Holcombe, *Wives and Property. Reform of the Married Women's Property Law in Nineteenth Century England* (Oxford, 1983) and 'Victorian Wives and Property. Reform of the Married Women's Property Law 1857–1882' in Martha Vicinus (ed.), *A Widening Sphere. Changing Roles of Victorian Women* (Bloomington and London, 1977), 3–28; Shanley, *Feminism, Marriage and the Law*, chs. 2, 4; J. Perkin, *Women and Marriage in Nineteenth-Century England* (London, 1989), 303–4.

occasion it was sponsored by G. J. Shaw-Lefevre, Russell Gurney, and John Stuart Mill; on the second by Gurney, Jacob Bright, and T. E. Headlam, Mill having lost his seat for Westminster and Shaw-Lefevre having taken office. In both sessions the bill was examined by select committees; in both, time ran out as the session ended. The measure was then introduced in the 1870 session and secured the backing of the Commons. In the Lords, however, it was examined by a select committee, 'by whom it was so transformed that I doubt whether a dozen lines of the original measure were left'.<sup>85</sup> In this new form, and shorn of its most important changes of principle, it was returned to the Commons.<sup>86</sup> The dilemma for the bill's supporters was of a sort faced frequently by the SSA as its schemes were disfigured by the legislature: to accept an unsatisfactory measure – though it at least protected the earnings and savings of working women in marriage – or have no reform at all? At a meeting of the bill's supporters at the SSA's offices it was decided to accept the defective measure rather than fail for a third time.<sup>87</sup> The bill was approved by the Commons, receiving the royal assent on 9 August 1870.<sup>88</sup>

The campaign had begun again with a paper from Hastings to the 1867 congress, reminding the Association of the inconclusive settlement ten years before. Some weeks later the SSA's Council received a memorial calling for reform signed by eight hundred men and women.<sup>89</sup> A committee was then appointed including Hastings, Westlake, Thomas Hare, and Shaw-Lefevre and chaired by Frederic Hill, brother of Matthew Davenport Hill who had first assisted Barbara Leigh Smith at the start of

<sup>85</sup> *T1870*, 92.

<sup>86</sup> The argument advanced by Michael Roberts that the defects of the 1870 Married Women's Property Act in combination with increasing political sympathy for the special pleading of civil and military (male) experts represented a fresh assault on the civil rights of women by a parliament reformed in 1867 under the Second Reform Act is difficult to sustain. Those involved in the movement to change the property laws understood their limited success in 1870 as the continuation of pre-existing opposition – after all, they had failed entirely in 1857. And it was the *unreformed* House of Lords that mangled legislation sent up to it by the *reformed* House of Commons. Meanwhile the 1869 Contagious Diseases Act was the third in a series and had been preceded by two acts passed *before* 1867. M. J. D. Roberts, 'Feminism and the State in Later Victorian England', *Historical Journal*, 38, 1 (1995), 87.

<sup>87</sup> *Newcastle Daily Chronicle*, 21 Sept. 1870, 5.

<sup>88</sup> *T1878*, 154. There is an undated letter from Gurney to Hastings, evidently from the summer of 1870, relating a conversation between Gurney and Lord Cairns, the leading opponent of the 1870 bill in the House of Lords, on details of its amendment: 'He is willing to give the wife a civil and criminal remedy . . . He is going to try his hand at a clause and wishes us to look at it and propose to him any amendments which we may think necessary before the House goes into Committee on Friday.' The letter supports the impression given by Hastings that the SSA was involved in negotiations over the 1870 Act. G. W. Hastings papers, Leeds.

<sup>89</sup> *T1867*, xxvii, 292; *SP 1867–8*, 51–2.

the campaign in 1854. This drafted the bill that Shaw-Lefevre introduced in the Commons in 1868.<sup>90</sup> Nothing in the history of the Social Science Association so well exemplifies the influence wielded by the organisation in favourable circumstances as its control of the select committee of the Commons appointed to consider Shaw-Lefevre's bill. It was chaired by Shaw-Lefevre himself; it included Gurney, Headlam, and Jacob Bright as well as other notable proponents of reform such as Robert Lowe and M. T. Baines. It took evidence from fourteen witnesses, all of whom were in favour of reform.<sup>91</sup> It used the recently established American Social Science Association to collect evidence supporting reform based on the practice of several New England states which had altered their laws to provide equality for married women in the 1840s and 1850s.<sup>92</sup> In short, the 1868 Select Committee was nothing but a stitch-up.<sup>93</sup> As Elizabeth Wolstenholme later reminded the Married Women's Property Committee, they 'could never have succeeded in the manner they had done had it not been for the Social Science Association, who [*sic*] had done by far the larger portion of the work'.<sup>94</sup>

The 1870 Act was 'faulty in detail and unsound in principle' nonetheless.<sup>95</sup> It did not grant the principle that a married woman should be treated as *feme sole*; it merely ensured that certain types of property would be treated as a married woman's separate estate.<sup>96</sup> It had weaknesses in theory and in practice, and for the rest of its history, up to the passage of the 1882 Married Women's Property Act, the Association was largely engaged in calling for their remedy. If it played a less prominent part in the campaign after 1870, it was because progressive opinion was united in the demand for alterations: it had helped to form that opinion, and from 1870 reform no longer depended on its initiative. Though the 1882 Act was still deficient in its failure to treat a married woman as a *feme sole*<sup>97</sup> nevertheless for the Social Science Association it was another milestone, though one of the last: it had been created around

<sup>90</sup> *SP* 1867–8, 73, 153–60, 189–201. The 'Bill to Amend the Law with respect to the Status and Property of Married Women' is printed at 198–201.

<sup>91</sup> Special Report from the Select Committee on the Married Women's Property Bill, *PP* 1867–8, VII, 339–465.

<sup>92</sup> *Ibid.*, Appendix 1, 437–41. Appendix 2 was a summary of relevant American statutes; *ibid.*, 442–5. See also *TL* 1867, 292.

<sup>93</sup> V. Ullrich, 'The Reform of Matrimonial Property Law in England During the Nineteenth Century', *Victoria University of Wellington Law Review*, 9 (1977–8), 22–3.

<sup>94</sup> *Englishwoman's Review* (1870), 301–2.

<sup>95</sup> Married Women's Property Committee reported in the *Newcastle Daily Journal*, 24 Sept. 1870, 6.

<sup>96</sup> Shanley, *Feminism, Marriage and the Law*, 67–8.

<sup>97</sup> *Ibid.*, 125–6; Holcombe, *Wives and Property*, 222; Perkin, *Women and Marriage*, 306.



this issue in the 1850s and in 1882 it celebrated a final success before its own demise. As an editorial then explained, 'its discussions have kept the question alive and have borne down the laughter on one hand, and removed the indifference on the other, with which these proposals about married women's property were received'.<sup>98</sup>

### III

In this campaign women had worked closely with lawyers. The relationship with another of the liberal professions – medicine – was more anxious, however, calling in question medical claims to social authority, the place of expertise in mid-Victorian society, and pitting one type of liberalism against another. The disharmony was focused on one issue, the Contagious Diseases Acts, and between 1869 and 1871 the SSA was an arena where the instincts and policy of the Association were at odds with the feminism of many of its members.

The controversy over the Contagious Diseases Acts and the subsequent struggle to have them repealed is well known. The Acts, passed successively in 1864, 1866, and 1869, were designed to protect members of the armed services from venereal diseases. They gave powers to local police to detain known prostitutes, submit them to medical examination, and detain them in special hospital 'lock wards' while they underwent the crude treatments then available. Any woman who resisted examination might be brought before a magistrate and legally compelled to submit. The 1864 Act specified eleven garrison and dock towns in England and Ireland where these procedures were applied. In 1866 further legislation added two more locations, and the power to inspect known prostitutes on a fortnightly basis. In 1869, five more locations were added and the procedures extended to cover a radius of ten miles around the eighteen localities.<sup>99</sup>

The Acts take their place as part of a movement to harness medical expertise and legislation in the 1860s and 1870s in the eradication of various threats to health.<sup>100</sup> The late 1850s and early 1860s had seen a

<sup>98</sup> *Daily News*, 21 Sept. 1882, 4.

<sup>99</sup> Paul McHugh, *Prostitution and Victorian Social Reform* (London, 1980), 16; Judith Walkowitz, *Prostitution and Victorian Society. Women, Class and the State* (Cambridge, 1980), 1–2; Barbara Caine, *Victorian Feminists* (Oxford, 1992), 170.

<sup>100</sup> F. B. Smith, 'The Contagious Diseases Acts Reconsidered', *Social History of Medicine*, 3, 2 (1990), 197–215. See also Deborah Dunsford, 'Principle versus Expediency: A Rejoinder to F. B. Smith' and F. B. Smith, '"Unprincipled Expediency": A Comment on Deborah Dunsford's Paper', *Social History of Medicine*, 5, 3 (1992), 505–16.

heightened interest in the health and effectiveness of the armed forces after the failures of the Crimean War. There had also been an increase in the incidence of venereal disease as servicemen returned home.<sup>101</sup> The statistics were always a matter of dispute, especially when venereal disease among the civilian population was in question, but in 1862 some 29 per cent of all army personnel admitted to hospitals and 12.5 per cent of all naval admissions were treated for sexually transmitted diseases.<sup>102</sup> The legislation to deal with this problem was squarely in the tradition of public health interventions established in the 1840s and 1850s, and it is easy to see how doctors active in the promotion of 'state medicine' could see in these measures a responsible solution to a situation of national weakness.<sup>103</sup> The doctors did not foresee their effect on sections of public opinion, however, especially the women's movement and the churches. For what seemed like rational reform to them, looked to some as if the state was now seeking to regulate prostitution and was thus sanctioning immorality, and to others seemed like an assault on women who were to suffer infractions of their civil liberties and femininity to satisfy the pleasures of men.

Opposition to the acts of 1864 and 1866 was muted. The situation changed when proponents of regulation began a campaign to extend the acts to cover the civilian population in large towns and cities in general. This was advocated first in 1867 in a report written by Dr Charles Drysdale and Dr J. B. Curgenvén for the Harveian Medical Society of London. It led to the foundation of the Association for Promoting the Extension of the Contagious Diseases Act of 1866 to the Civil Population of which Curgenvén was secretary. It was almost to be expected that a young, radical doctor possessed of an idea that would simultaneously improve public health and increase the social authority of the medical profession should present a paper before the Social Science Association, for these were two themes dear to the hearts of the members of its Department of Public Health.

Curgenvén read his paper to a meeting of the SSA in London in March 1868 and presented a favourable picture of the success of the legislation. Disease among civilians as well as military personnel in the specified towns had fallen; prostitutes were co-operating with the procedures of examination, confinement, and treatment.<sup>104</sup> In the discussion

<sup>101</sup> McHugh, *Prostitution and Victorian Social Reform*, 17–18, 35.

<sup>102</sup> Levine, *Victorian Feminism*, 145; Walkowitz, *Prostitution and Victorian Society*, 49.

<sup>103</sup> McHugh, *Prostitution and Victorian Social Reform*, 24–5, 58–9; Walkowitz, *Prostitution and Victorian Society*, 71. On 'state medicine' see ch. 6, pp. 182–4 below.

<sup>104</sup> *SP* 1867–8, 265–76.

that followed, no woman was present, and only one dissentient voice was heard. As one contributor put it, 'there could be little doubt as to the policy of extending an Act (*sic*) which had already proved so beneficial in its operation'.<sup>105</sup> Accordingly, the SSA's Council petitioned parliament 'in favour of the extension of the provisions of the Contagious Diseases Acts', a position it reaffirmed after the 1868 congress.<sup>106</sup> This was its unambiguous position before the storm at its 1869 congress which marked the beginning of the national repeal campaign.

The SSA had chosen the Contagious Diseases Acts as one of the subjects for debate at Bristol. When an opponent of the acts, Dr Charles Bell Taylor, a doctor from Nottingham, applied to read a paper on the subject, his offer was declined. In collaboration with other opponents Taylor then organised a meeting to oppose extension of the acts.<sup>107</sup> It was held at the Royal Hotel in Bristol on 30 September, to coincide with the opening of the Bristol congress. About seventy attended.<sup>108</sup> Here they rehearsed the essential arguments against the acts: that they discriminated between the sexes, subjecting women to examinations which were not imposed on men; that they infringed the personal liberty of women; that they gave legal recognition to prostitution; that insofar as they provided treatment for a disease transmitted in an immoral act, they 'sought to dissolve the connection between sin and its penalty'. The managers of the Social Science Association had meanwhile relented, though it is not known why, and Taylor was added to the programme and allowed to give his paper. At a session on 4 October 1869, the most riotous ever held by the Association, before an audience of a hundred, all but one of whom were men, the issue was debated and the meeting passed resolutions hostile to the acts.

Two papers were given in favour of the extension of the acts by Berkeley Hill and Mr W. P. Swaine, Surgeon to the Royal Albert Hospital, Devonport. Hill dealt with the problem of venereal disease in general, Swaine spoke of the situation in Devonport where he claimed that regulation had reduced the 'truly appalling' incidence of disease among sailors. Both showed due consideration for the rights of women.<sup>109</sup> To Dr Taylor, however, the 1866 Act was 'the most cruel, unjust and despotic measure'. He made a case against the acts as inefficacious and immoral. There was no definition of prostitution in the acts so that 'the whole of

<sup>105</sup> *Ibid.*, 276-7. <sup>106</sup> *T.1867*, xli-xlii; *T.1868*, 509.

<sup>107</sup> Benjamin Scott, *A State Iniquity: Its Rise; Extension and Overthrow* (London, 1890), 88-93. Walkowitz, *Prostitution and Victorian Society*, 91-2.

<sup>108</sup> *Western Daily Press*, 29 Sept. 1869, 3; 1 Oct. 1869, 4. <sup>109</sup> *T.1869*, 428-42.

the women of this country are placed at the mercy of a policemen's suspicions'. 'Contrary to every principle of English law' they imposed the burden of proof on the accused: respectable women apprehended in the streets might have to prove they weren't prostitutes. 'He also questioned the expediency of smoothing the path of the adulterer and fornicator in such a way.'<sup>110</sup> The vehemence of the subsequent discussion was unexpected. As one of the participants complained, 'a circular had been made the instrument of bringing together a large number of opponents of the proposed Bill, and . . . the meeting was, in his opinion, to a certain extent, a packed one'.<sup>111</sup> Doctors and hospital administrators spoke in favour of the acts; with some exceptions clergymen spoke against them. Professor F. H. Newman, brother of J. H. Newman, spoke on behalf of women who had written to him to express 'their horror and indignation' at the measures, but who had been excluded from the meeting because of the indelicacy of the subject.<sup>112</sup> Indeed, the only woman present was Elizabeth Blackwell, who was allowed in because she was a doctor.<sup>113</sup> When the President of the Health Department expressed his opinion 'that the Act was a most beneficent physical and moral one', disorder broke out. Amendments and counter-amendments were proposed.<sup>114</sup> Eventually, a motion hostile to the Acts and their extension was passed by a two-to-one majority.<sup>115</sup>

On the following day one editorial described the scene as 'little better than a bear garden'.<sup>116</sup> The *Daily Telegraph* was more outspoken still: there had been 'a clerical riot' at the Bristol congress and it condemned 'the bigotry of an illogical, but still powerful section of the clergy', who favoured unrestricted disease as the punishment of vice.<sup>117</sup> At the concluding meeting of the congress, Hastings spoke of a resolution '“thrust down the throat” of the section by a hostile majority' and refused to accept it as the opinion of the congress.<sup>118</sup> Meanwhile, in the other camp, opponents of the acts convened on the day after the debate and formed the National Anti-Contagious Diseases Acts Extension Association, soon renamed The National Association for the Repeal of the Contagious Diseases Acts.<sup>119</sup> In a separate initiative, Elizabeth Wolstenholme

<sup>110</sup> Ibid., 442–4. *Western Daily Press*, 5 Oct. 1869, 3.

<sup>111</sup> Revd W. Clay in the *Daily Bristol Times and Mirror*, 5 Oct. 1869, 3. <sup>112</sup> *T*1869, 450.

<sup>113</sup> Scott, *A State Iniquity*, 91–2; Elizabeth Blackwell, *Autobiographical Sketches* (London, 1895), 243.

<sup>114</sup> 'Concluding Meeting', *Daily Telegraph*, 6 Oct. 1869, 3.

<sup>115</sup> *Daily Bristol Times and Mirror*, 5 Oct. 1869, 3. <sup>116</sup> *Western Daily Press*, 5 Oct. 1869, 2.

<sup>117</sup> *Daily Telegraph*, 6 Oct. 1869, 4. <sup>118</sup> Ibid., 3.

<sup>119</sup> Scott, *A State Iniquity*, 92–3; Josephine E. Butler, *Personal Reminiscences of a Great Crusade* (1896) (London, 1898 edn), 7.

immediately sent a telegram from Bristol to her friend and coadjutor, Josephine Butler, to urge her to organise a women's campaign against the acts.<sup>120</sup> This led to the establishment of the Ladies National Association for the Repeal of the Contagious Diseases Acts at the end of the year when the famous 'Women's Protest' against the acts was published in the press, and to Mrs Butler's leading role in the campaign.<sup>121</sup>

In the two subsequent years the Association allowed further contributions on the subject. Counting the three papers in Bristol, between 1869–71 it heard seven papers on the subject, of which four were opposed to the acts. One debate in February 1870 attracted on the one side Curgenven, Drysdale, Berkeley Hill, and the acknowledged authority on Victorian prostitution, William Acton; and on the other side, leading repealers including Sheldon Amos, Professor of Jurisprudence at University College, London, William Shaen, and Jacob Bright.<sup>122</sup> At the 1871 Leeds congress, John Armstrong, only recently the secretary of the Royal Commission which had investigated the operation of the acts in that year, gave a paper in their favour.<sup>123</sup> In the discussion following, prominent opponents including A. J. Mundella, Robert Applegarth (who had also both served on the Royal Commission), and Josephine Butler, by now established as the leading repealer, answered him.<sup>124</sup> In a movement which believed there was a conspiracy to deny it opportunities to put its case, the repealers saw the Association as an important forum to exploit and control.<sup>125</sup> Their efforts to swamp the SSA and prevent it from following its regulationist instincts were self-defeating, however: proponents of the acts would not debate in meetings packed against them and eventually the Association killed off the subject altogether.

In 1870 at Newcastle, the meeting on the acts was dominated by repealers, and proponents did not attend.<sup>126</sup> In Leeds in 1871 a resolution was passed by a margin of ten to one calling on the SSA's Council to work for the measures' repeal.<sup>127</sup> Wherever the Association decamped in the 1870s, the repeal movement followed, holding its meetings on the fringe. The Ladies' National Association held their first annual meeting in Newcastle to coincide with the 1870 congress there.<sup>128</sup> In 1871

<sup>120</sup> McHugh, *Prostitution and Victorian Social Reform*, 55, 85n.

<sup>121</sup> Butler, *Personal Reminiscences*, 9–11; Shanley, *Feminism, Marriage and the Law*, 82–3; Walkowitz, *Prostitution and Victorian Society*, 92; McHugh, *Prostitution and Victorian Social Reform*, 56–7.

<sup>122</sup> *SP* 1869–70, 179–92, 238. See also William Acton 'Prostitution', *T.* 1857, 605–8.

<sup>123</sup> *T.* 1871, 553–60. <sup>124</sup> *Leeds Mercury*, 11 Oct. 1871, 7; *Daily News*, 11 Oct. 1871, 3.

<sup>125</sup> Butler, *Personal Reminiscences*, 20; McHugh, *Prostitution and Victorian Social Reform*, 135.

<sup>126</sup> *The Times*, 29 Sept. 1870, 5. <sup>127</sup> *Leeds Mercury*, 11 Oct. 1871, 8.

<sup>128</sup> *Newcastle Daily Chronicle*, 26 Sept., 1870, 7; *Newcastle Daily Journal*, 26 Sept. 1870, 6.

repealers attended rallies in Leeds while the congress was in session.<sup>129</sup> The developing pattern, in which single-issue campaigns batted onto the Association in the 1870s is significant, because it gradually undermined the inclusivity of the Association, and related it, in the public mind, to the projection of 'crotchets' and 'fads', the social campaigns and nostrums of committed and sometimes ridiculed minorities.<sup>130</sup>

The local committee organising the 1871 congress in Leeds resolved that there would be no discussion of the acts but was overruled by the Council. For its part, the Council tried to keep journalists out of the subsequent debates but to the satisfaction of the repealers, who craved the publicity, they were unsuccessful.<sup>131</sup> Within two years the decision had been taken to ignore the issue. The local committee at Norwich in 1873 declined to entertain a subject which 'would only be a means of exciting violent partisan spirit'.<sup>132</sup> Hastings told the SSA's Council that the participation of people 'who did not control their tempers and passions' mandated its exclusion. The suspicion remains that an Association that favoured the acts lost patience with participants whose presence in such numbers subverted its policies.<sup>133</sup>

In the minds of many who favoured regulation there was a correspondence between measures to deal with prostitutes and with criminals. According to Berkeley Hill, addressing the Bristol congress, 'were the Contagious Diseases Acts in force in any large town, the women would soon become known to the special police officer in charge of that locality, and could be easily induced or compelled to present themselves for the surgeon's examination'.<sup>134</sup> The son sounds very much like the father: there are echoes here of Matthew Davenport Hill on the subject of the surveillance of released criminals at about the same time.<sup>135</sup> Other proponents of the legislation took a similar view: 'prostitutes were criminals' said one, and 'society was justified in protecting itself against a class of women who were a pest to the community'.<sup>136</sup> Even opponents of the acts made such comparisons: one clergyman compared the 'certificate given to the prostitute' – her clean bill of health after treatment – with the ticket-of-leave granted to a convict. Whereas the ticket-of-leave was given 'on condition that he does not return to his evil courses' the prostitute's certificate was 'her credential in returning, and thus makes the law a

<sup>129</sup> *Leeds Mercury*, 9 Oct. 1871, 8; 11 Oct. 1871, 8.

<sup>130</sup> *Newcastle Daily Journal*, 27 Sept. 1870, 2; 29 Sept. 1870, 2. See also ch. 12, pp. 360–3.

<sup>131</sup> *Leeds Mercury*, 9 Oct. 1871, 8; *The Times*, 13 Oct., 1871, 3. <sup>132</sup> *The Times*, 2 Oct. 1873, 7.

<sup>133</sup> *Eastern Daily Press*, 2 Oct. 1873, 3. McHugh, *Prostitution and Victorian Social Reform*, 249–50.

<sup>134</sup> *T.1869*, 435. <sup>135</sup> See ch. 5, pp. 148–9. <sup>136</sup> *T.1869*, 450.

patron and protector of her trade'.<sup>137</sup> The debate over the apprehension of suspected prostitutes, the conduct of the police, and the placing of the burden of proof on the accused rather than the accuser, was remarkably similar to that over the provisions of the 1869 and 1871 legislation regarding the supervision of habitual criminals.<sup>138</sup> Common terminology bespeaks a common approach to deviance: disease and crime could both be controlled, it was believed, by police surveillance and regulation, and also by reincarceration if deviants were found to have reoffended, whether by fraternising with known criminals, or by plying the oldest of professions. It was a common Victorian trope to speak of crime as a disease: here is evidence that sanitary and civil police were linked in the mid-Victorian mind.<sup>139</sup>

The Social Science Association's 'statist' instincts predisposed it to one side of the argument. Its liberalism was of the utilitarian variety, prizing rationality and systematisation, largely unconcerned by the degree of control required to effect these aims, and relatively heedless of arguments premised on individual rights. The position taken by John Stuart Mill when giving evidence to the Royal Commission of 1871 – that the law regulating contagious diseases was 'opposed to one of the greatest principles of legislation, the security of personal liberty' – had few adherents in the Association's inner circles.<sup>140</sup> This may explain the confusion when Mill came in person to a meeting of the SSA's council to participate in a discussion on the issue.<sup>141</sup> The conflict between these two positions reflects a conflict of rival types of liberalism, the one designed to protect individual rights, the other to promote the supposed public good, and allows us to identify the Association's ideological position more precisely. Indeed, that position was identified by Josephine Butler herself. She had a deep suspicion of the state and its tendency to 'over-legislation', which was all too manifest in the Contagious Diseases

<sup>137</sup> *Ibid.*, 447. <sup>138</sup> See ch. 5, pp. 168–70.

<sup>139</sup> Walkowitz, *Prostitution and Victorian Society*, 3, 69–71; Roberts, 'Feminism and the State', 108; Frank Mort, *Dangerous Sexualities: Medico-Moral Politics in England Since 1830* (London, 1987).

<sup>140</sup> Report of the Royal Commission upon the Administration and Operation of the Contagious Diseases Acts, vol. II, Evidence etc., PP 1871, XIX, q. 19994.

<sup>141</sup> Mill attended a meeting of the SSA's Council on 23 Feb. 1871 at which the pro-repeal resolution passed at the Newcastle congress was considered. He was reported as having said that 'the general policy of the Acts could not be influenced by any collection of facts or inquiry made by the [Royal] Commission'. (SP 1870–1, 270). He then wrote to Hastings to clarify his position: 'On the matter of giving evidence before the CDA Commission what I believe I said to you was, that I had no information of my own respecting the actual operation of the Acts; that I believed the Commission wanted facts, not opinions or arguments; and that on that supposition, I was not the sort of witness they wanted.' J. S. Mill to G. W. Hastings, 26 March 1871, Hastings papers, Leeds.

Acts themselves. She favoured individual and local action as opposed to state intervention. She opposed public legislation on matters of private morality and conduct. She had always disputed the authority claimed by the medical professions and experts in general.<sup>142</sup> She also opposed the creation of bureaucracies whose *raisons d'être* must be further intrusions and regulation. She joined the individualist Vigilance Association for the Defence of Personal Rights on its formation in 1871, therefore, and became its secretary.<sup>143</sup> She made no secret of her distaste for the Social Science Association, which 'ought to have done so much good' in enquiring into legislation, but which 'has done about an equal amount of mischief, by stimulating legislation in matters which had much better not be legislated about'.<sup>144</sup> To be against the state was to be against the SSA on this and other matters of social policy.

The ideological divisions between different types of liberal reform were more extensive than even this difference over the individual and the state. They encompassed also the method of social analysis, the authority of expert opinion, and the cleavage between professional men and other sections of the middle classes. They thus struck at the claims of expert bodies like the SSA to make social policy. Nothing made the experts on public health more frustrated than the apparent disregard for facts and statistics on the part of their opponents. Repealers were charged with 'wild assertion . . . blind prejudice and idle sentiment'.<sup>145</sup> They were 'ignorant of the terrible disease' at the heart of the dispute and they 'charged the Act most inconsistently, in the face of all the statistics, and without any statistics to support them'.<sup>146</sup> When William Acton, an acknowledged expert, took part in discussions at the SSA, he evidently believed that the data would speak for themselves:

He assured the meeting that he commenced his investigations with no preconceived plan, the measures he advocated arose naturally from the facts observed . . . He had at some pains collected his statistics, he left them to be made use of by others, and he felt convinced that if his hearers would but think for themselves, their conclusions must be similar to his own.<sup>147</sup>

<sup>142</sup> See the letters from Josephine Butler to Albert Rutson and Benjamin Jowett quoted in Anne Summers, 'The Constitution Violated: The Female Body and the Female Subject in the Campaigns of Josephine Butler', *History Workshop Journal*, 48 (1999), 5, 9.

<sup>143</sup> McHugh, *Prostitution and Victorian Social Reform*, 21, 25–6, 70; Caine, *Victorian Feminists*, 181.

<sup>144</sup> *Report of the Conference of the Association for the Defence of Personal Rights* (Manchester, 1871), 24, quoted in Caine, *Victorian Feminists*, 171.

<sup>145</sup> *SP* 1869–70, 242.

<sup>146</sup> *Ibid.*, 193. For a recent assessment taking a similar view of the 'antis' campaign, see Smith, 'The Contagious Diseases Acts Reconsidered', 200–1.

<sup>147</sup> *Ibid.*, 245.



Yet it was central to the repealers' case that they would *not* make use of the statistics.<sup>148</sup> As Mundella wrote to Josephine Butler, 'For heaven's sake, let alone the statistics . . . and stick to the principle.'<sup>149</sup> And she did. As she told a meeting of repealers on the fringes of the Leeds congress in 1871 in expectation of the debate to come at the SSA,

She foresaw that next Tuesday, in the conflict with their opponents, there would be an attempt made to force them if possible to descend from the discussion of the essential principle to a lower level – to force them to fight the battle on statistical or minor grounds, on physical grounds, or to wrangle over what was purely incidental to the system, the operations of the police or the reformation of a few women.<sup>150</sup>

This would be resisted. The gulf between doctors, sanitarians, statisticians – the social scientists of the 1860s and 1870s – whose concept of liberal reform depended on evidence and calculation of the public weal, and those who placed liberal principles like legal equality and personal liberty above other considerations was very wide. Usually these groups took similar positions as over the property of married women: on this issue the differences between them were stark.

In consequence, expertise and professionalism were called in question. The movement to extend the acts was led by 'politically liberal doctors committed to public health and sanitary reform'.<sup>151</sup> Their enthusiasm for state medicine, and hence for medical influence in society in general, brought them into conflict with the movement for repeal. Frederic Hill differed publicly at the SSA with his nephew and with Elizabeth Garrett who, he argued, required 'other knowledge than that of medicine' to appreciate the issues involved. Miss Garrett had contended that it 'is strictly a professional question, upon which the opinion of the trustworthy medical witnesses ought to be accepted as final'.<sup>152</sup> Hill demurred: 'it would be as reasonable to leave it to farmers to say whether or not it was necessary to have corn laws'.<sup>153</sup> Francis Newman disliked discussion of a moral question in the health section of the Association and looked forward to a time when the debate would 'be conducted by non-professional men, who would form their judgment according to common-sense on the broad general principle involved'.<sup>154</sup> For its part, the medical profession decried the interference of laymen: the chairman of the Royal Albert

<sup>148</sup> Summers, '*The Constitution Violated*', 2.

<sup>149</sup> McHugh, *Prostitution and Victorian Social Reform*, 69.

<sup>150</sup> *Leeds Mercury*, 9 Oct. 1871, 8.

<sup>151</sup> Walkowitz, *Prostitution and Victorian Society*, 82.

<sup>152</sup> Elizabeth Garrett, *An Enquiry into the Character of the Contagious Diseases Acts of 1866–9* (London, 1870), 5. Levine, *Victorian Feminism*, 96–7.

<sup>153</sup> *SP* 1869–70, 238–9.

<sup>154</sup> *T* 1869, 450.

Hospital in Plymouth claimed that ‘unprofessional men’ were simply unaware of the evils of syphilis.<sup>155</sup> In the eyes of the doctors, the opposition was simply irrational but their claim to a monopoly of knowledge and authority led to a vigorous backlash.<sup>156</sup>

The debates over the Contagious Diseases Acts at the SSA demonstrate the limits of interventionist reformism coming from the mid-Victorian professions. At this point, over this issue, the right of professional men to fashion society was questioned, and opponents openly doubted the value of science itself. These differences, as between types of liberalism, styles of argument, use of information, and claims to social authority, may have taken their origins from, and may be explained by, the social background of the groups in contention. Extensionists were professional men, usually from London, with a cosmopolitan edge to their arguments frequently based on knowledge or experience of continental medicine. Their opponents were of another, and perhaps better-known variety of Victorian liberalism, for the repealers’ cause was led by ‘wealthy industrialists and merchants residing in northern cities’ who were ‘politically important in their own locales’ but who ‘nonetheless saw themselves as provincial “outsiders”’.<sup>157</sup> Many were non-conformists.<sup>158</sup> Here was a different type of radicalism from that espoused in the *Lancet* and the *British Medical Journal*. It was intrinsically hostile to the state on the basis of history – for the religion, politics, and economic policy of the state had been hostile to *it* for generations – and it looked askance at claims to authority based on expert knowledge rather than hard-won wealth and local influence.

#### IV

The Contagious Diseases Acts were a cause of division in the women’s movement. Many suffragists feared mixing political objectives with such controversy, and natural gradualists like Emily Davies were ‘temperamentally out of sympathy with Mrs. Butler’s crusading spirit’.<sup>159</sup> At the SSA there was a more intense division still among women participants over a broader issue: should they concentrate on general social engagement and philanthropy, or on political campaigns to remove the inequalities to which they were subject? Ray Strachey argued long ago that there was no conflict between these two positions and the groups who held

<sup>155</sup> *T.1869*, 446. <sup>156</sup> McHugh, *Prostitution and Victorian Social Reform*, 249.

<sup>157</sup> *Ibid.*, 99–100. <sup>158</sup> Smith, ‘The Contagious Diseases Acts Reconsidered’, 203.

<sup>159</sup> McHugh, *Prostitution and Victorian Social Reform*, 266; Levine, *Victorian Feminism*, 65.

them; it was 'difficult to estimate whether it was the Radicals of the fifties and sixties or the philanthropists of the same period who quickened the Women's movement to life'.<sup>160</sup> Insofar as women increased their public visibility through civic engagements they were also able to project a new image that altered social attitudes. Some of the philanthropic work in which women became involved, such as the case-work pioneered by the Charity Organisation Society in London, or their employment by the state as factory and education inspectors, trained them for new public roles. Yet it can be argued that such work, though better organised and more visible, did not much depart from women's traditional social functions of charity and so reinforced a stereotype rather than broke the mould. More recent historians have thus explored tensions in this period between female philanthropy and women's rights – tensions that became overt during the Ladies' Conferences at the Social Science Association in 1869 and 1870.<sup>161</sup>

Approximately 150 women were present at the opening of the Ladies' Conference in Bristol on 29 September 1869. It was intended that it would allow women to learn from each other. The chairman, Mary Carpenter, hoped that 'some central organisation might rise out of it', a clearing house of information on 'all kinds of useful work' for women. She also explained the rationale behind separation: here women could consider 'peculiarly women's business', which 'was unworthy to take up the time of the general body of the association', and it would be easier for ladies to 'quietly speak out'.<sup>162</sup> Perhaps for this reason men generally, and newspaper reporters in particular, were excluded.<sup>163</sup> The metropolitan press carried very little of what transpired, and the *Transactions* presented only summaries of some of the papers. The account that follows depends on reports in the provincial press in Bristol which, by some means, carried reasonably full versions of the proceedings, though not verbatim transcripts.

The papers delivered in 1869 and 1870 were uncontroversial. At Bristol they included contributions on women's employment and training, on women in workhouses, and on hospital management. Elizabeth Blackwell spoke on women's medical education, Louisa Twining on workhouse visiting, Florence Davenport Hill on girls' industrial schools,

<sup>160</sup> Ray Strachey, *The Cause*, 64.

<sup>161</sup> Kathleen McCrone, 'Feminism and Philanthropy in Victorian England: The Case of Louisa Twining', *Canadian Historical Papers* (1976), 135–6.

<sup>162</sup> *Western Daily Press*, 30 Sept. 1869, 3.

<sup>163</sup> *Journal of Social Science* (New York), 2 (1870), 260. The *Journal of Social Science* was the organ of the American Social Science Association.

Octavia Hill on 'what she had been doing in London for the dwellings of the poor'.<sup>164</sup> But the congress was told by Mary Carpenter that 'they would keep clear of public or political subjects, and of what were called "women's rights", or their fancied wrongs'.<sup>165</sup> Later in the proceedings Miss Carpenter repeated herself: 'ladies should work modestly and quietly, and not seek after more publicity than is necessary to attain their object. She hoped that they would avoid political or religious discussions, women's suffrage or "rights" . . . they were much safer in keeping to women's work.'<sup>166</sup>

At the end of the scheduled business, Carpenter closed the conference, congratulating participants on the proceedings. But it was not the end. The Ladies Conference met again on the following day, this time under the presidency of Lady Bowring, second wife of Sir John Bowring, the polymathic diplomat, journalist, and radical, and it debated its *raison d'être*:

The question was whether that basis should be extended to the consideration of all subjects whatever in which women are interested, such as are treated of by the Congress in general, or whether it should be confined to the consideration of benevolent efforts and works by women, discarding political subjects, such as Women's Suffrage, the Married Women's Property Bill, etc.<sup>167</sup>

Apparently, 'many ladies took a part in the discussion' and the majority favoured 'the first proposition', or what might be termed the political option. Miss Carpenter's views had been overturned.<sup>168</sup> When Hastings came to join the ladies on the following day he accepted 'that the subjects to be discussed by it should be co-extensive with the subjects of the association'.<sup>169</sup> No full transcript of this debate survives: what evidence exists, however, is suggestive of the ideological divisions within the women's movement in general, and not just at the Social Science Association.

In the following year, the ladies' conference was open to the press.<sup>170</sup> Emily Faithfull, Isabella Tod, Jessie Boucherett, and Elizabeth Wolstenholme were participants. Mary Carpenter did not attend. Lady Bowring's address considered the suffrage, married women's property,

<sup>164</sup> *Western Daily Press*, 30 Sept. 1869, 3; 1 Oct., 3; 2 Oct., 3; 4 Oct., 3. *T.1869*, 609–10.

<sup>165</sup> *Western Daily Press*, 30 Sept. 1869, 3.

<sup>166</sup> *Ibid.*, 4 Oct., 1869, 3. For Carpenter's views on gender see Ruth Watts, 'Mary Carpenter: Educator of the Children of the "Perishing and Dangerous Classes"', in Mary Hilton and Pam Hirsch (eds.), *Practical Visionaries. Women, Education and Social Progress 1790–1930* (Harlow, 2000), 46–9.

<sup>167</sup> *Western Daily Press* 5 Oct., 1869, 3. <sup>168</sup> *Ibid.* <sup>169</sup> *Western Daily Press*, 6 Oct. 1869, 3.

<sup>170</sup> *Newcastle Daily Chronicle*, 24 Sept., 1870, 4. *Englishwoman's Review* (1870), 300–1.

and education. It was far from radical but in touching on the divisions between politics and philanthropy in the women's movement, she seemed to endorse the legitimacy of the former position, though in convoluted language that signalled the sensitivity of the issue:

I do not doubt there are those present who do not consider that purely benevolent action in the political area can be confined within such, or indeed, any limits, but would deem it needful to consider that it is ultimately associated with the attainment of the social advancement and proper position of woman, and more especially that she should enjoy that absolute political equality with those of the other sex. Looking calmly and dispassionately at these so-called women's rights questions, I cannot but imagine that a time will come when the justice of these claims will be recognised.<sup>171</sup>

Which said, Lady Bowring qualified herself once more, since the attainment of equality 'must necessarily be distant'. Perhaps to her relief she was not required to choose her words so carefully again: the 1870 Ladies' Conference was the last held.

The official reason for this abrupt termination was plausible. The Social Science Association brought women into public and facilitated alliances with sympathetic men. To hold separate discussions lost both these advantages.<sup>172</sup> It was also noted that whereas women's contributions at the earliest congresses had been about exclusively women's issues, over time women had come to contribute on all questions before the Association: hence separation limited the impact they could make beyond their sphere.<sup>173</sup> However, there may have been more complex reasons for ending the experiment. These debates coincided with the even more contentious issue of the Contagious Diseases Acts and strenuous efforts were made to keep the issue out of the Ladies' Conference. Dr Edward Charlton, an opponent of repeal, wrote to the Newcastle press during the 1870 congress to make clear that the Ladies' Conference was 'totally and entirely distinct' from the Ladies' National Association for the Repeal of the Contagious Acts which was also holding meetings in Newcastle.<sup>174</sup> He was answered by a member of the Ladies National Association who explained that members of that organisation had tried to have the acts debated at the Ladies' Conference. They 'greatly lamented the narrow, foolish, and unjust conduct of those who had the control and direction of the Ladies' Conference in refusing to have placed before it a subject specially concerning women . . . They have proved themselves

<sup>171</sup> *T.1870*, 548. <sup>172</sup> *Englishwoman's Review* (1870), 303.

<sup>173</sup> *Englishwoman's Review* (15 Oct. 1880), 461. <sup>174</sup> *Newcastle Daily Journal*, 28 Sept. 1870, 3.

false to their mission.<sup>175</sup> In consequence she was not unhappy at the demise of the Ladies' Conference.

In 1869 the Ladies' Conference had witnessed disputes between rival conceptions of the place and role of the women's movement, and a palace revolution had seen its famous president unseated in favour of a new purpose. In the following year the Conference became the subject of dispute between the managers of the Association and the anti-Contagious Diseases Acts movement. In two years the Conference had dramatised divisions between women, and also divisions over a particular women's issue. Procedures had been overturned and orderly debate disrupted. It was necessary to call a halt: the SSA did not cease to entertain women's issues, but it chose them and the venues for their discussion, with care.

# V

Male and female participants at the SSA agreed that women had an equal right to social participation, but believed that the form of that participation would be different, as reflecting the different talents and capacities of the genders. Women would have an equal place in social reform with men, but as Shaftesbury and Maurice argued, and as feminists like Bodichon agreed, they would bring to it a distinct, feminine perspective. 'Difference' was accepted as inevitable and beneficial: womanly qualities offered something else to society. But 'difference' was not employed as an emancipatory premise in itself – that women deserved legal privileges specifically because of their gender. Rather, 'difference' complemented, but was secondary to, the argument for equality. If women had equal opportunities, they could bring to society hitherto neglected talents. They asked for equal access; they would then use it to apply different skills. As Caine has suggested, it is not accurate to conceive of two separate strategies for Victorian women, one emphasising female equality and the other difference: the two positions reinforced each other.<sup>176</sup>

Can it be argued, therefore, that mid-Victorian liberalism failed the women's movement? In the traditional view, the two marched together, and campaigns focused on the equalisation of law and the equality of citizens, such as that for married women's property, have been seen as evidence of this union. Women, like nonconformists, trade unionists, and even subject peoples like the Irish, were all beneficiaries of the liberal

<sup>175</sup> *Newcastle Daily Journal*, 29 Sept. 1870, 2.

<sup>176</sup> Caine, *Victorian Feminists*, 16. Joan Scott, 'Deconstructing Equality-versus-Difference: Or the Uses of Poststructuralist Theory for Feminism', *Feminist Studies*, 14 (1988), 33–50, esp. 48.

impulse towards autonomy and civil equality in the nineteenth century. Yet it has been contended that liberalism and feminism have always been in intrinsic tension because liberalism is premised on the concept of a contract between men over control of the public sphere: it does not consider issues in the private sphere to which women have been historically consigned.<sup>177</sup> Specifically, it has been argued that Victorian liberalism dealt with political and social oppression but not sexual oppression. While it increased opportunities in the public realm it did not deal with the subordination of women in the domestic sphere. It also failed to acknowledge questions of sexuality and desire.<sup>178</sup>

From the evidence of the Social Science Association, and especially the debates there on the Contagious Diseases Acts, it would seem that Victorian liberalism, in its approach to feminism, was not inadequate, but *divided*. The evidence does not seem to support the contention that Josephine Butler's 'radical attack on the sexual double standard moved her well beyond the framework of liberalism'.<sup>179</sup> For to employ the 'double standard' is surely to make an argument premised on an idea of civil equality – equality of treatment of both men and women by the law, and equality of treatment according to mid-Victorian moral conventions – and thus to argue from *within* the framework of liberalism. The law, and the social attitudes that it reflected, punished women for fornication and adultery, but not men. It subjected prostitutes to forcible medical examination but not their clients. It was thus illiberal and should be changed. The arguments deployed against the Contagious Diseases Acts were all classically liberal in their provenance: that the law was unequal, that the state was over-mighty, that civil liberties were ignored, that innocent women risked arrest, that 'over-legislation' was a curse. Josephine Butler herself argued 'that the repeal campaign was one in defence of citizen rights, not women's rights' and for precisely this reason it was possible to attract the support of a 'number of liberal-leaning elites' opposed to greater social regulation.<sup>180</sup> This was a debate within liberalism and different types of liberal at the Social Science Association took different positions: doctors were opposed by clergymen, experts by laymen, metropolitans by provincials, utilitarians by civil libertarians. Medicine was countered by moral principle; statistics were at odds with

<sup>177</sup> Carol Pateman, 'The Fraternal Social Contract', in Carol Pateman, *The Disorder of Women: Democracy, Feminism and Political Theory* (Cambridge, 1989), 33–57.

<sup>178</sup> Caine, *Victorian Feminists*, 21, 41, 53, 155–6 and *English Feminism*, 103. Jane Rendall, 'Introduction' in Jane Rendall (ed.) *Equal or Different? Women's Politics 1800–1914* (Oxford, 1987), 13, 19; Rendall, '“Friendship and Politics”', 162.

<sup>179</sup> Caine, *English Feminism*, 112. <sup>180</sup> Roberts, 'Feminism and the State', 90, 107.

conviction. On the issue of married women's property all were of one mind, but on the Contagious Diseases Acts Victorian liberalism fractured into different components.

Women's participation at the Social Science Association was enormously beneficial to the mid-Victorian women's movement, though it was nothing like as harmonious as is commonly thought. The divisions should not surprise us, however. Disputes over precedence (as between legal reform and women's employment at the end of the 1850s); or over the type of changes to be pursued, whether political or strictly social; or over attitudes to the state – was it the agent of emancipation or a threat to female liberties? – were probably inevitable in a movement moving ahead across such a broad front and faced with such mighty ideological and institutional obstacles. Indeed, the arguments at the Social Science Association between different groups of women and experts point towards a new understanding of the Victorian women's movement as plural rather than unitary. Rather than a single 'cause' prosecuted in various ways we might more accurately think of a series of women's movements in which groups and activists over periods of time and over specific issues argued fiercely and divided as well as combining together.<sup>181</sup> But women's participation at the SSA and the disputes that attended it did not exceed the parameters of Victorian liberalism. Liberals may have differed there over the Contagious Diseases Acts, and women may have argued over the desirability of a feminist political programme. Yet they collaborated and differed within a common ideological context, though that context was broader and more differentiated than has sometimes been appreciated.

<sup>181</sup> I am grateful to Janet Howarth for stimulating discussion of this point.



## CHAPTER 5

### *Transportation, reformation, and convict discipline: The Social Science Association and Victorian penal policy 1853–1871*

The evolution of the Social Science Association from the National Reformatory Union, the state of public anxiety about the penal arrangements to follow transportation, and the curious relationship of nineteenth-century liberalism and punishment, which has been a focus of historical research in recent years, ensured that penal policy would be a central theme at the Association and encouraged the extension of 'reformatory principles' to new types of offender in different situations. This concentration on crime and punishment, and the SSA's vigorous efforts to win public opinion and government to its views, make possible an assessment of the Association's influence over mid-Victorian social policy in general. Its commitment to a set of ideas about criminal behaviour and its eradication, and its role in making policy according to those ideas, meanwhile, call into question recent interpretations of this transitional period in English penal arrangements emphasising the importance of pragmatism and empiricism. The so-called 'Tory interpretation' of social reform, in which officials responded with common sense to institutional difficulties in a continuous process of legislation and adaptation, cannot adequately account for the SSA's capacity to foist its long-held views on government, especially the Liberal administration of 1868 to 1874. Nor can it easily explain why men and women with impeccable liberal credentials constructed a category of offender, habitual criminals, and used the power of the state, illiberally, to control them.

#### I

By the late 1850s the reformatory movement was an acknowledged success, whether judged by the number of reformatory institutions founded, financial support from the state, or the claimed rates of reformation of young offenders. It had become 'an institution of the country,'<sup>1</sup> as

<sup>1</sup> *The Times*, 19 Oct. 1857, 10.

Lord Stanley told a meeting of four thousand people 'in support of the Reformatory and Industrial Schools movement' which was held in Birmingham Town Hall during the inaugural SSA congress. At the movement's heart was a small number of enthusiasts closely involved with the Association: Matthew Davenport Hill, Mary Carpenter, Thomas Barwick Lloyd-Baker, and Sir Charles Adderley (afterwards Lord Norton).

Hill was from a family of notable public servants who had moved from early nineteenth-century radical, provincial origins to positions in the mid-Victorian state by way of patronage from Bentham and his circle.<sup>2</sup> Initially engaged in the legal defence of many radicals, Matthew Davenport Hill was appointed Recorder of Birmingham in 1839, in which position he established himself 'as a minor public institution'.<sup>3</sup> He was 'justly esteemed a foremost authority upon the whole subject of prison discipline'.<sup>4</sup> His 'transformation from belief in libertarianism to acceptance of regulation',<sup>5</sup> which paralleled the shift in the Hill family from radical outsiders to participants in the mid-century liberal consensus, is a clue to changing priorities among the Victorian middle classes in general between the 1820s and 1860s.

Hill collaborated with Mary Carpenter in organising the two conferences in 1851 and 1853 from which the reformatory movement emerged. From a devout Unitarian background, she had become interested in street children in the 1840s and opened a ragged school in Bristol, her home city, in 1846.<sup>6</sup> Moving on to consider juvenile criminality, she published her most important work, *Reformatory Schools for the Perishing and Dangerous Classes and for the Prevention of Juvenile Delinquency* in 1851. She opened a reformatory for boys, Kingswood, in the following year, and a second for girls, Red Lodge, two years later. She rapidly became the first woman 'to acquire an international reputation as a path-breaking

<sup>2</sup> R. and F. Davenport Hill, *The Recorder of Birmingham. A Memoir of Matthew Davenport Hill* (London, 1878); Deborah Gorham, 'Victorian Reform as a Family Business: The Hill Family' in A. S. Wohl (ed.), *The Victorian Family. Structure and Stresses* (London, 1978), 119–47; Peter W. J. Bartrip, 'The Career of Matthew Davenport Hill with special reference to his Place in Penal and Educational Reform Movements in Mid-Nineteenth Century England' (unpublished PhD dissertation, University of Wales, 1975).

<sup>3</sup> W. L. Burn, *The Age of Equipoise. A Study of the Mid-Victorian Generation* ((1964), 1965 edn New York), 75.

<sup>4</sup> *T.1858*, 70.

<sup>5</sup> Gorham, 'Victorian Reform as a Family Business', 129.

<sup>6</sup> J. E. Carpenter, *The Life and Work of Mary Carpenter* (London, 1879); Jo Manton, *Mary Carpenter and the Children of the Streets* (London, 1976).

penal innovator'.<sup>7</sup> She delivered thirty-six papers to the SSA between 1857 and 1876, the largest contribution of any member. Ascribing delinquency in the young to a range of environmental causes, including the absence of responsible parenting and of schools, she became a publicist for the provision of institutional homes, skills, and education. Such a life could be caricatured in terms of self-aggrandisement and the imperative to control 'the dangerous classes'. Instead, Mary Carpenter was driven by strong religious commitment and 'genuine compassion' for destitute children.<sup>8</sup>

Carpenter recognised that Tories 'are best at *this* work', and the reformatory movement attracted the more liberally inclined Conservative gentry.<sup>9</sup> Debates at the SSA included contributions from one such, Thomas Barwick Lloyd-Baker, of Hardwicke Court in Gloucestershire, who had founded a reformatory for boys on his estates in 1852.<sup>10</sup> His frequent letters to *The Times*, his leading role in the Howard Association, his lectures and papers, and his presence at the SSA, gave him authority in the movement.<sup>11</sup> He was joined by another of his type, Sir Charles Bowyer Adderley, a strong evangelical and large landholder in the Midlands where he built the model town of Saltley, complete with its own reformatory. Adderley was a Conservative MP for nearly four decades before his translation to the Lords as Lord Norton, though of an unorthodox variety.<sup>12</sup> In 1853 he drafted and introduced the first version of the bill that became the 1854 Youthful Offenders Act. He was responsible for the Industrial Schools Act of 1857, which aimed at institutionalising vagrant children before they took to crime. He combined 'humanitarian concern for neglected children with firm attachment to

<sup>7</sup> Sir Leon Radzinowicz and Roger Hood, *A History of English Criminal Law and its Administration from 1750*. Vol. v: *The Emergence of Penal Policy* (London, 1986), 161.

<sup>8</sup> *Ibid.*, 162. Ruth Watts, 'Mary Carpenter: Educator of the Children of the "Perishing and Dangerous Classes"' in Mary Hilton and Pam Hirsch (eds.), *Practical Visionaries. Women, Education and Social Progress 1790–1930* (Harlow, 2000), 39–51.

<sup>9</sup> M. G. Fawcett, *Some Eminent Women of Our Time: Mary Carpenter* (London, 1912), 12.

<sup>10</sup> *DNB*, Supplement, xxii, 106–7; *An English Country Squire, as Sketched at Hardwicke Court*, by Professor von Holtzendorff (trans. by R. Gebhard) (Gloucester, 1878). Thomas Barwick Lloyd-Baker, *Report of the Hardwicke Reformatory for 1856 and 1857* (Gloucester, 1858).

<sup>11</sup> Herbert Philips and Edmund Verney (eds.), 'War with Crime', *Being a Selection of Reprinted Papers on Crime, Reformatories etc. by the late T.B. L. Baker, Esq.* (London, 1889). John A. Stack, 'The Provision of Reformatory Schools, the Landed Class, and the Myth of the Superiority of Rural Life in Mid-Victorian England', *History of Education*, 8 (1979), 35–6.

<sup>12</sup> W. S. Childe-Pemberton, *Life of Lord Norton (Rt. Hon Sir Charles Adderley, KCMG, M.P) 1814–1905* (London, 1909), 141.

corporal punishment'.<sup>13</sup> If other reformers were less ready to grasp the birch, the mixture of sympathy and coercion was nevertheless characteristic of the movement.

What could hold together a one-time radical and Benthamite, the devout daughter of a Unitarian divine, a tory squire, and a liberal-minded evangelical paternalist, as well as many more types, in a loosely associated movement? Most (though not Adderley)<sup>14</sup> agreed that success with juveniles opened the prospect of extending the regime to adult offenders. At Birmingham in 1857, the meeting held in support of the reformatory movement 'expressed its strong conviction that the claims of religion and the requirements of social policy equally demand that the reformation of offenders, *of whatever age*, be distinctly aimed at'.<sup>15</sup> In 1855 Lloyd-Baker had written to the Home Secretary to propose that criminals under twenty-one be allowed to work out their sentences under the reformatory regime at Hardwicke.<sup>16</sup> Sir George Grey had demurred, but there were friends of the movement in government in the 1850s who were sympathetic: as the earl of Carlisle, latterly Lord Lieutenant of Ireland, told the Liverpool congress in 1858, 'the same principle of treatment appears to me to apply alike both to adult and juvenile reformation'.<sup>17</sup>

That punishment should aim to reform adult criminals rather than deter or exact society's revenge was not new in Victorian Britain. Its origins go back to the eighteenth century and the assumptions of the Enlightenment that behaviour and belief were environmentally conditioned and could be altered accordingly.<sup>18</sup> The so-called 'separate system', adopted in English prisons in the 1830s and 1840s, involving solitary confinement as a prompt for moral transformation, had the redemption of the offender as its aim. It did not result in the number of conversions expected, however; it had alarming effects on the mental health of prisoners; and though it remained a component of subsequent systems of punishment, by the 1850s it was in decline. The way was clear for new penal regimes linking reform to regular habits of industry and

<sup>13</sup> Martin J. Wiener, *Reconstructing the Criminal. Culture, Law, and Policy in England, 1830-1914* (Cambridge, 1990), 289n. See also 138-9.

<sup>14</sup> C. B. Adderley, *Punishment is not Education: A Review of a Charge on the Subject of Ticket-of-Leave by M. D. Hill* (1856), quoted in Bartrip, 'The Career of Matthew Davenport Hill', 278.

<sup>15</sup> *The Times*, 19 Oct. 1857, 10. Motion put by R. Hanbury MP (*My italics*).

<sup>16</sup> T. B. Lloyd-Baker to Sir George Grey, 7 June 1855; H. Waddington to T. B. Lloyd-Baker, 9 July 1855, Harwicke MSS, Gloucester Record Office, D3549/25/4/3, folio vol. 'Adult Reformatory'.

<sup>17</sup> *T.1858*, 83.

<sup>18</sup> Michael Ignatieff, *A Just Measure of Pain. The Penitentiary in the Industrial Revolution 1750-1850* (New York, 1978), p. 213.

proven personal responsibility.<sup>19</sup> While some historians have seen these mid-century innovations as indicative of the decline of reformatory theory as the basis of Victorian prison discipline,<sup>20</sup> it will be argued here that the alternative prison regimes of the 1850s and 1860s were reactions to perceived failings in the existing systems of reformation, and hence developments of the reformatory idea rather than deviations from it. Members of the reformatory movement had helped create the SSA in the 1850s as a vehicle for the promotion of their new schemes for the rehabilitation of criminals and the Association proved remarkably successful in projecting these ideas over the next two decades.

The reformation of offenders was certainly expedient. A penal system 'which reforms criminals instead of one which perpetuates commitments', as Hastings put it, would be cheaper.<sup>21</sup> It also seemed preferable if convicts were no longer transported: 'when society has to receive back the convict on the termination of his sentence, its welfare demands, not only punishment, but the reformation of the individual'.<sup>22</sup> To many at the SSA it was in accord with the liberalism of the age. Presiding over the Department of Punishment and Reformation in 1858, Carlisle related 'this whole new philosophy of prison or reformatory discipline' to 'the increased spirit of conscientious and reasoning benevolence which happily distinguishes our age'.<sup>23</sup> In the following year, another friend of the movement, Richard Monckton Milnes MP, afterwards Lord Houghton, the epitome of fashionable liberalism, linked 'reformatory treatment' to 'the progressive culture of later times, the permanence of modern nations, the abolition of European slavery, the representative system of political life and the freedom of religious opinion, namely, the recognition of the worth of the individual man'.<sup>24</sup>

It was a characteristic of the age, however, to combine professions of liberal benevolence with practical severity towards certain types of offender. The mid-Victorians were not hypocrites in this, but united freedom and punishment in ways now difficult to appreciate. Hence it is not mistaken to see 'reformation' in mid-Victorian Britain as a progressive force.<sup>25</sup> Its advocates' reformist credentials, indeed, were established by

<sup>19</sup> Ibid., 171–2; U. R. Q. Henriques, 'The Rise and Decline of the Separate System of Prison Discipline', *Past and Present*, 54 (1972), 61–93 and, *Before the Welfare State: Social Administration in Early Industrial Britain* (London, 1979), 171.

<sup>20</sup> W. J. Forsythe, *The Reform of Prisoners 1830–1900* (London, 1987), 1–14. <sup>21</sup> *T.1861*, xxxv.

<sup>22</sup> Revd T. R. Shore, 'Treatment of Adult Offenders', *T.1861*, 427.

<sup>23</sup> *T.1858*, 71. Boyd Hilton, 'Whiggery, Religion and Social Reform: The Case of Lord Morpeth', *Historical Journal*, 37, 4 (1994), 829–59.

<sup>24</sup> *T.1859*, 93–4. <sup>25</sup> Max Grünhut, *Penal Reform. A Comparative Study* (Oxford, 1948), 71–2, 85.

a hostile press. In an editorial on Hill's address to the first SSA congress, the *Daily Telegraph* ridiculed the penal regime he advocated as far too indulgent. Reminding its readers that 'the reformation of the criminal is not the only or even the first object of punishment', the 'criminal reformers' were criticised for their tender interest in the criminal.<sup>26</sup> *The Times* agreed: in the first of very many editorials on the SSA, it advocated a revival, against 'theorists on criminal jurisprudence', of 'the ancient belief that it was the first purpose of punishment to punish, and that retributive justice primarily consists in simple retribution'.<sup>27</sup>

The principles of reformatory discipline were developed most systematically by M. D. Hill. His definitive statement, the *Draft Report on the Principles of Punishment*, was composed in 1846 for the Law Amendment Society. Crime could only be diminished, he argued, 'through the amendment of the individual himself, rather than through the example which his punishment may hold to others'.<sup>28</sup> The process of amendment should depend on 'industry . . . good conduct . . . self-control'.<sup>29</sup> In this way the majority could be returned eventually to freedom: 'if reformation were the only object in view and if the duration of imprisonment were made to depend on the attainment of this object, the numbers reformed would bear a very large proportion to the total number of prisoners'.<sup>30</sup> The ends were beneficent but the means were coercive. Hill believed that if prisoners and the public properly understood the reformatory aims of the system, they would accept 'the application of any amount of pain absolutely necessary to the object in view'.<sup>31</sup> He differentiated between criminals who responded to reformatory discipline and 'the small remainder' who did not: they 'might without any shock to public opinion be detained indefinitely'.<sup>32</sup>

Hill also considered supervision and control outside the prison and it was on this matter that his illiberalism was most evident. In charges before the Grand Jury at Birmingham in 1850 and 1851 he suggested that persons living without visible means of support, and known to have a criminal past, or suspected of criminal associations, should be obliged to prove their honesty. Failing that proof, they should be committed to prison.<sup>33</sup> Hill would have initially limited such suggested supervision to ex-convicts only, though instinctively he was drawn towards surveillance of the whole community. Such an assault on civil liberties and the

<sup>26</sup> *Daily Telegraph*, 15 Oct. 1857, 3.      <sup>27</sup> *The Times*, 13 Oct. 1857, 6.

<sup>28</sup> M. D. Hill, *Draft Report on the Principles of Punishment. Presented to the Committee on Criminal Law Appointed by the Law Amendment Society in December 1846* (London, 1847), 12.

<sup>29</sup> *Ibid.*, 5.      <sup>30</sup> *Ibid.*, 12.      <sup>31</sup> *Ibid.*, 13–14.      <sup>32</sup> *Ibid.*, 12.

<sup>33</sup> M. D. Hill, *Two Charges Delivered by the Recorder to the Grand Juries of Birmingham* (Bristol, 1851), 3.

rights of the innocent provoked controversy and these ideas were then dismissed.<sup>34</sup> But Hill lived to witness them enshrined in legislation in 1869 and 1871.<sup>35</sup> Reformatory penal discipline showed no tenderness towards the traditional rights of Englishmen, in other words, and generally placed control above liberty.

Reformation did not imply leniency towards criminals. Rather, it justified rigour for the offender's good. Short sentences were worthless; only lengthy experience of an ordered regime could effect a transformation.<sup>36</sup> As Hill put it, 'Begin to reform the criminal the moment you get hold of him; *and keep hold of him until you have reformed him*.'<sup>37</sup> Like earlier prison reformers, Hill and his associates did not want to alleviate the experience of imprisonment, but to make it less corrupting, and conducive to moral improvement. It is mistaken, therefore, to try to place Hill and other penal reformers of this period on a continuum running from 'hard' to 'soft': 'the vital distinction . . . was not between sternness and kindness, but between a severity that served a reformatory purpose and a severity that was sterile'.<sup>38</sup> The inconsistency sometimes seen in Hill, between his view of himself as enlightened and his commitment to a long and minutely regulated penal regime is the result of the mistaken assumption that penal 'reformers' generally favoured more comfortable prison conditions.<sup>39</sup>

In an organisation which had developed out of movements for legal and penal reform, these ideas bulked large, and shaped the way in which the Association sought not only to alter carceral institutions, but also to regulate society in general. In a revealing passage in the first volume of the *Transactions*, Hastings expanded the concept of reformation to encompass society as a whole:

In a well-regulated reformatory school may be seen the effect of moral and religious discipline, combined with good sanitary conditions, and a proper union of industrial and intellectual education, upon wayward, ignorant and hardened natures. Such an institution is a type of the great work before us, for there is nothing done in a reformatory school which might not, with proper appliances, be effected for society at large.<sup>40</sup>

The Victorian instinct for 'a complementary and interdependent structure of control', linking together a spectrum of institutions, including

<sup>34</sup> Ibid., 4; R. and F. Davenport Hill, *The Recorder of Birmingham*, 192–3.

<sup>35</sup> G. W. Hastings, 'Address on Jurisprudence and Amendment of the Law', *T.1869*, 37.

<sup>36</sup> M. D. Hill, *Reformatory Treatment Defended* (London, 1863), 2.

<sup>37</sup> R. and F. Davenport Hill, *The Recorder of Birmingham*, 185 (italics in original).

<sup>38</sup> Wiener, *Reconstructing the Criminal*, 116.

<sup>39</sup> Bartrip, 'The Career of Matthew Davenport Hill', 229–31.      <sup>40</sup> *T.1857*, xxiv.

reformatories, prisons, asylums, workhouses and factories, is manifest here.<sup>41</sup> The desire to regulate and control characterised the SSA's engagement with mid-Victorian social institutions and was most evident in its treatment of penal discipline.

## II

Reformatory ideas were the product of a more optimistic age but also had precise origins in the debate over transportation. Just as the proximate origins of John Howard's reforms of the 1770s and 1780s can be traced to the suspension of transportation to the American colonies during and after the American war, so the requirement for a new penal regime was all the greater in the 1850s and 1860s as serious offenders had now to be dealt with at home. Transportation had come to an end because Australian settlers no longer wanted it; because many authorities in Britain regarded it as morally degrading to the mother country; and because the decline of political radicalism at the end of the 1840s reduced the numbers to whom it might be applied and the need to maintain public order by threatening its use.<sup>42</sup> It was also argued that the convicts' experience of transportation was arbitrary, severe, and often brutal: in an age seeking to make punishments uniform and predictable, its vagaries were outmoded.<sup>43</sup> Hitherto, imprisonment at home had been for periods of up to three years as punishment of lesser offences: now it would be required for the punishment of major crimes as well. This necessitated a transformation of penal organisation, including the construction of new prisons. It was in the context of 'the critical, transitional years of mid-century',<sup>44</sup> extending from the 1853 Penal Servitude Act to the 1871 Prevention of Crimes Act that the Social Science Association was active. The 'long-drawn-out crisis' following the abandonment of transportation was also an opportunity for the reformatory movement to develop new ideas.<sup>45</sup>

<sup>41</sup> Ignatieff, *A Just Measure of Pain*, 215.

<sup>42</sup> Colin Matthew, 'Public Life and Politics' in Colin Matthew (ed.), *The Nineteenth Century. The British Isles: 1815-1901* (Oxford, 2000), 100.

<sup>43</sup> Seán McConville, *A History of English Prison Administration*. Vol. 1, 1750-1877 (London, 1981), 381-5; Wiener, *Reconstructing the Criminal*, 98-100; M. Heather Tomlinson, 'Penal Servitude 1846-1865: A System in Evolution' and Peter W. J. Bartrip, 'Public Opinion and Law Enforcement: The Ticket-of-Leave Scares in Mid-Victorian Britain' in V. Bailey (ed.), *Policing and Punishment in Nineteenth Century Britain* (London, 1981), 128, 152-3; Radzinowicz and Hood, *History of English Criminal Law*, v, 481-2.

<sup>44</sup> Bailey, 'Introduction' in Bailey (ed.), *Policing and Punishment*, 20.

<sup>45</sup> Henriques, *Before the Welfare State*, 180.



Penal servitude, effectively confinement in domestic prisons with associated hard labour on public works, was the new punishment devised for serious offences.<sup>46</sup> In practice it was not very different from the previous system, for during the 1830s and 1840s thousands of criminals sentenced to transportation had served out their sentences in Britain. The transition began in 1853 with the first Penal Servitude Act, under which terms of transportation were converted to lesser terms of penal servitude, and convicts who had served time with good conduct under the new punishment were to be eligible for 'a licence to be at large in the United Kingdom', the so-called 'ticket-of-leave'. The licence could be revoked for reconviction, or for general misbehaviour, such as leading 'an idle or dissolute life' or associating with 'notoriously bad characters'. An amending act was passed in 1857 which abolished the sentence of transportation (though it remained possible to ship convicts abroad, nonetheless) and clarified the system of remission which had thrown up anomalies between different types of convict.

There followed several years of agonised debate concerning the details of the regime established for English convicts by the chairman of the Board of Convict Prison Directors, Joshua Jebb. Jebb's system was considered too lenient; public disquiet was exacerbated by disturbances in the new convict prisons, and concern that the system of remission was turning out unreformed criminals, hitherto disposed of at the ends of the earth. In addition, Jebb refused to introduce a thoroughgoing system of police supervision of the 'ticket-of-leave men'. Public disquiet led to a Royal Commission in 1863 to consider penal servitude, and its report, following public opinion, called for longer sentences, tighter prison discipline, more severe punishments for reconvicted criminals, and supervision of those released on remission. The subsequent 1864 Penal Servitude Act put these recommendations into effect, lengthening minimum sentences to five years for a first, and seven for a subsequent conviction, and introducing a system of monthly surveillance of released prisoners by the police, who now had the power to take an ex-convict into custody without a warrant on suspicion that an offence had been committed.<sup>47</sup> Meanwhile Jebb's death in June 1863 – perhaps accelerated by the pressure of public disapprobation for his Christian impulses – brought

<sup>46</sup> On the development of penal servitude 1853–71, see Tomlinson, 'Penal Servitude 1846–65', *passim*; Bartrip, 'Public Opinion and Law Enforcement', *passim*; Forsythe, *The Reform of Prisoners*, 72–4; R. S. E. Hinde, *The British Penal System 1773–1950* (London, 1951), 81–94.

<sup>47</sup> Forsythe, *The Reform of Prisoners*, 160–2. For a commentary on the passage of the 1864 Act, see the letters from Sir Walter Crofton to the fourth earl of Carnarvon, the chairman of the 1863 Royal Commission, in Herbert MSS (Carnarvon papers), BL Add. MS 60846.

to the administration of penal servitude the severe talents of Edmund Henderson, and from 1869, Edmund Du Cane.<sup>48</sup> Du Cane remained at the head of convict and prison administration until 1895. Like Jebb, both men were from military backgrounds, but unlike him, they imposed the kind of regime called for.<sup>49</sup>

The penal servitude system was completed with further legislation in 1869 and 1871, respectively the Habitual Criminals Act and the Prevention of Crimes Act, both of which owed a great deal to the SSA.<sup>50</sup> These statutes reflected continued unease over convict remission and particular concern over 'habitual offenders'. The 1869 statute tightened the conditions of the ticket-of-leave; made provision for the registration of convicted criminals; and extended police supervision beyond convicts on licence to any released criminal previously convicted of two offences, though it abolished monthly self-report to the police for convicts released on remission. Ticket-of-leave men, and those otherwise under police supervision, were liable to a year's imprisonment if brought before a magistrate for acting suspiciously, or associating with criminals, and unable to prove that they had honest means of support. In other words, they had to prove their innocence.<sup>51</sup> Problems with aspects of the 1869 Act were remedied in the Prevention of Crimes Act.<sup>52</sup> This reinstated monthly reporting but gave the courts discretion to decide whether an offender, though liable to police supervision, should be placed under surveillance.<sup>53</sup> The penal servitude system, dealing with convicts in prison and on release, was now in place, and remained in this form, save for minor changes, until the next major legislation in 1891.

In one view this history shows 'the slow and hesitant progress towards effective law enforcement and administration'.<sup>54</sup> Over time, a workable system of punishment and surveillance was constructed by experience. Legislation was followed by amendment which was followed by

<sup>48</sup> Seán McConville, *English Local Prisons 1860–1900. Next Only to Death* (London and New York, 1995), 115n.

<sup>49</sup> Radzinowicz and Hood, *History of the English Criminal Law*, v, 532–5; Forsythe, *The Reform of Prisoners*, 193–9; P. Tibber, 'Edmund Du Cane and the Prison Act 1877', *The Howard Journal*, 19 (1980), 9–16.

<sup>50</sup> M. W. Melling, 'Cleaning House in a Suddenly Closed Society: The Genesis, Brief Life and Untimely Death of the Habitual Criminals Act, 1869', *Osgoode Hall Law Journal*, 21, 2 (June 1983), 315–62.

<sup>51</sup> Sir Leon Radzinowicz and Roger Hood, 'Incapacitating the Habitual Criminal: The English Experience', *Michigan Law Review*, 78 (Aug. 1980), 1341.

<sup>52</sup> The Prevention of Crimes Act formally repealed the Habitual Criminals Act but reenacted most of its provisions with changes to the registration and identification of known criminals.

<sup>53</sup> Radzinowicz and Hood, *History of English Criminal Law*, v, 256–8.

<sup>54</sup> Bartrip, 'Public Opinion and Law Enforcement', 175.

legislation, until a structure acceptable to parliament, the Home Office, and the public was in place. The legislative innovations of the 1850s, bearing evidence of haste, were made efficient in the 1860s. Another perspective places emphasis on the role of public opinion, especially public disquiet manifesting itself in 'moral panics' or exaggerated reactions to fears of growing waves of violent crime committed by unreformed ex-convicts. The first of these, during the winter of 1856–7 led to the 1857 Penal Servitude Act. The second, in the winter of 1862–3, provoked the establishment of the Royal Commission to review the system, and hence to the 1864 Penal Servitude Act. There is evidence that a third moral panic, during the winter of 1868–9, was a context, if not a cause, of the Habitual Criminals Act of 1869. In each case, belief in a sudden increase of violent crime in major cities, whipped up by the press, and attributed to convicts on remission, led to an assault on the operation of penal servitude and to its reform so as to be a theoretically more effective means of punishment and surveillance.

Public disquiet was not without foundation. When Hill investigated the operation of the ticket-of-leave system in Birmingham at the end of 1855, the local police were only able to find fourteen men at large on licence. It was evidence that there was little control over convicts once released.<sup>55</sup> As Hill wrote to Brougham at the height of the first panic in December 1856, 'Do you observe the insane outcry which is made against the ticket-of-leave *system*, which is sound, instead of against the ticket-of-leave *administration*, which is abominable?'<sup>56</sup> Much of the crime attributed to ticket-of-leave men was probably the combined result of a downturn in trade and the return of regiments from the Crimean War.<sup>57</sup> Henry Mayhew actually convened two meetings in London in March 1856 and January 1857 to allow ticket-of-leave men to defend themselves in public.<sup>58</sup>

The panic in 1862–3 was remarkably similar to this, save that it was identified with a variety of assault known as 'garrotting', in which wealthy victims were held by the neck and relieved of their property.<sup>59</sup> Again it was believed that ticket-of-leave men were to blame. This time, the focus

<sup>55</sup> *Ibid.*, 160–1.

<sup>56</sup> M. D. Hill to Brougham, 4 Dec. 1856, in R. and F. Davenport Hill, *The Recorder of Birmingham*, 198.

<sup>57</sup> *LAJ*, 15 Jan. 1857, 45. <sup>58</sup> Ignatieff, *A Just Measure of Pain*, 202.

<sup>59</sup> Jennifer Davis, 'The London Garrotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in Mid-Victorian England' in V. A. C. Gatrell, Bruce Lenman, and G. Parker (eds.), *Crime and the Law. The Social History of Crime in Western Europe Since 1500* (London, 1980), 190–213. See Trollope's fictional account of the garrotting of Mr Kennedy MP in *Phineas Finn* (1869) (World Classics edn, Oxford, 1982), 1, 282–3.

of popular anxiety was not just the *administration* of penal servitude, but the punishment itself. As Hill wrote to Brougham, 'the convict panic as usual is leading the public mind into the wildest delusions; a most dangerous cry is raised for the revival of transportation. It is echoed very largely in the press and there will be a great temptation to foster the delusion.'<sup>60</sup> The SSA hastily convened a large meeting in February 1863 to oppose this retrograde step, and conveyed its resolutions to the recently established Royal Commission.<sup>61</sup> Transportation was not revived, though a true panic measure, Adderley's so-called Garrotters Act, was passed, to add a new punishment of flogging for violent assault.<sup>62</sup> Though it cannot be argued that the panic in 1862–3 precipitated any unforeseen or remarkable changes in the developing penal system, it was used by Jebb's detractors as evidence that the English prison regime needed tightening, and it opened the way to the third Penal Servitude Act in 1864.<sup>63</sup>

Meanwhile, there is evidence that in the months preceding, and during the introduction of, the Habitual Criminals bill, which was given its second reading in February 1869, there was widespread belief that 'the criminal classes have become . . . aggressive and dominant', and that this was an important context in which the SSA was able to convince a new Home Secretary of the need for further legislation.<sup>64</sup> If the coverage of garrottings in *The Times* is any guide, there was a sudden crisis of crime and panic from October 1868 to April 1869 during which frequent reports of street assaults were matched by critical editorials calling for greater surveillance of, and harsher penalties for, known criminals.<sup>65</sup> One letter to the newspaper complained of 'the undoubted increase in the number of incorrigible criminals; of men and women who live by crime, and mean to live by it; of persons whose only instinct is robbery'.<sup>66</sup>

<sup>60</sup> M. D. Hill to Brougham, 4 Dec. 1862, B MSS, 8838. See also *T.1879*, 267. For an example of the panic's effect on the official mind, see the letter from the fourth earl of Carnarvon to Herman Merivale in the India Office on 2 December 1862 suggesting that transportation be resumed, this time to India. Herbert MSS (Carnarvon papers) BL Add. MS 60846, ff. 19–24.

<sup>61</sup> [National Association for the Promotion of Social Science], *The Transportation of Criminals, Being a Report of a Discussion at a Special Meeting of the Association Held at Burlington House, on the 17th February, 1863* (London, 1863). *T.1863*, xxxi.

<sup>62</sup> Davis, 'The London Garrotting Panic', 199.

<sup>63</sup> Radzinowicz and Hood, *History of the English Criminal Law*, v, 525.

<sup>64</sup> *T.1868*, 306n. See also the earl of Carnarvon's comments at 349.

<sup>65</sup> In the first nine months of 1868 *The Times* carried two reports of trials of suspected 'garrotters'. In seven months, October 1868 to April 1869, it carried fourteen reports of garrottings and twenty reports on trials for the offence. In the remaining months of 1869 there was no further mention of garrotting. (Source: *Palmer's Index of the Times*.)

<sup>66</sup> *The Times*, 10 March 1869, 4.

The Home Secretary, Bruce, was under pressure to act.<sup>67</sup> Within weeks the Habitual Criminals bill was being debated in parliament, and by the end of the session it was law, though as we will see, its origins were more complex than this simple model of public clamour and official reaction might suggest.

Public opinion was a factor in the development of penal servitude, though nothing that the moral panics subsequently led to is *unlikely* to have happened without the general hue and cry. In 1857, 1863, and 1868–9 the measures taken after crises of public confidence had already been debated and followed expected lines. Public opinion accelerated legislation and administrative changes, but did not determine them. Rather, it is the present argument that neither the pragmatism of officials nor the prejudices of the public can singly or together explain the form in which penal servitude developed. There is another way of understanding the development of penal policy that requires a return to the ideas of the reformatory movement and an examination of their projection into government by the Social Science Association.

### III

Leading members of the SSA believed they had found a regime of prison discipline adapted to ideas of 'reformation' in the so-called 'Irish System' introduced by Sir Walter Crofton, Director of the Board of Irish Convict Prisons between 1854 and 1862.<sup>68</sup> M. D. Hill met him and learnt of the 'Irish System' in 1856: 'to make this success widely known, and to obtain the re-modelling of the English system on the Irish exemplar, became now . . . the purpose of his life'.<sup>69</sup> The partisans of 'reformation' clung to the Irish model with theological fervour and turned the SSA into a vociferous lobby for its adoption.<sup>70</sup> In June 1857 Hill introduced Crofton to those penal reformers active in the creation of the Social Science

<sup>67</sup> *The Times*, 4 Feb. 1869, 5. See also 22 Dec. 1868, 7; 27 Jan. 1869, 7; 5 Feb. 1869, 7; 23 Feb. 1869, 9.

<sup>68</sup> On Crofton see McConville, *English Local Prisons*, 87–9, 94, 190n.

<sup>69</sup> R. and F. Davenport Hill, *The Recorder of Birmingham*, 199. 'The Birmingham Recorder writes that if our system fails it will be a blow to Europe. Many deep thinkers are taking the greatest interest in the subject.' Sir Walter Crofton to George William Frederick Howard, seventh earl of Carlisle, 9 Nov. 1856, Castle Howard MSS, J19/1/68/76.

<sup>70</sup> See Crofton to Carlisle, 29 March 1859: 'I am preaching a crusade against the prejudices & doctrines of very many years.' Castle Howard MSS, J19/1/83/9. On the Irish System, see Radzinowicz and Hood, *History of English Criminal Law*, v, 515–21; Bartrip, 'The Career of Matthew Davenport Hill', 219–20; Forsythe, *The Reform of Prisoners*, 85–8; Henriques, *Before the Welfare State*, 183.

Association, including Mary Carpenter and Brougham.<sup>71</sup> In August he went to see for himself: 'I am going to try a visit to Ireland. At Cork, Lusk and Dublin, I shall see Crofton's prisons.'<sup>72</sup> In October his first paper to the new Association – which he described as 'by far the most important I ever wrote' and which apparently interested Russell very greatly<sup>73</sup> – was a description of 'Irish Convict Prisons'.

As Hill there explained, imprisonment under the Irish system was a hard school of moral reform, in which the individual was given responsibility for his progress through different stages of discipline, incentives for improvement, and tests of personal reliability.<sup>74</sup> Hill described the initial stage of nine months' incarceration in strict separation in Dublin's Mountjoy Prison in which the prisoner was 'forced upon reflection'. In the second stage he was moved to one of three cellular prisons and subjected to a regime of labour by day and separation by night, with some provision for education. Promotion via four sub-stages depended on 'industry, application and good moral conduct' for which prisoners were awarded marks, and it led to the moral heart of the scheme, the so-called 'intermediate prisons', Crofton's innovation. These were halfway houses where prisoners were given short periods of liberty on condition they returned at appointed times. They were thus prepared for release on tickets-of-leave: reporting to the police each month and being responsible for their conduct were extensions of a regime they had already experienced. The Irish System placed emphasis on reentering the reformed criminal into society: prisoners were not released unless they had a job and were found decent accommodation in the homes of responsible persons.<sup>75</sup> If the ex-convict was 'found relapsing into his former habits', the ticket-of-leave was withdrawn and he was reinterred. Hill claimed that the Irish system was successful as measured by the health of convicts, the work performed, improvements in their morals, and 'the demand by employers for the services of discharged prisoners'. But what impressed members of the reformatory movement was the 'intermediate stage' which set each individual a series of tests over an extended period. In this way they could prove their fitness for freedom, and would answer critics of penal servitude who claimed that the

<sup>71</sup> M. D. Hill to Brougham, 18, 19 June 1857, B MSS, 6894, 8825. Crofton to Carlisle, 21 June 1857, Castle Howard MSS, J19/1/73/98.

<sup>72</sup> M. D. Hill to Brougham, 14 Aug. 1857, quoted in R. and F. Davenport Hill, *The Recorder of Birmingham*, 333.

<sup>73</sup> *Ibid.*, 199. Crofton to Carlisle, 15 Oct. 1857, Castle Howard MSS, J19/1/76/48.

<sup>74</sup> *T.1857*, 262. <sup>75</sup> Crofton to Carlisle, 29 Aug. 1856, Castle Howard MSS, J19/1/67/47.

system, as misapplied in England, was liberating on remission hordes of unreformed criminals.<sup>76</sup> As Crofton himself explained it, 'No man is discharged . . . on Ticket of License without employment being either offered or found him & no man eligible for a Ticket of License has yet been passed over, but the individual has to work hard to really prove his eligibility as to conduct.'<sup>77</sup>

The Irish System was a variant of the 'progressive stages' system of penal discipline as first developed by Capt. Alexander Maconochie, superintendent of the Norfolk Island penal colony in the 1840s.<sup>78</sup> Maconochie had tried to reform convicts by rewarding labour and good behaviour with 'marks' and by putting them through a series of stages according to their progress. Superficially, the English regime was not very different from the Irish. There was the same initial period of nine months' separation, and then progress through sub-stages of labour on public works. As the prisoner progressed, privileges increased. If all went well, early release on a ticket-of-leave was likely.<sup>79</sup> Progress through the English stages, however, was 'a mere lessening of pressure . . . not an increasing process of testing and burdening with responsibilities'.<sup>80</sup> Crucially in the eyes of the reformatory movement, Jebb's regime lacked entirely the 'intermediate stage' between incarceration and freedom.<sup>81</sup> There was nothing in England to equal the assistance apparently given to convicts in the later stages of the Irish system. Carlisle, who as Lord Lieutenant in Ireland had close knowledge of Crofton's work and gave it his enthusiastic support, described to the SSA in 1858 'prisoners surrounded

<sup>76</sup> Ibid., 265. See also 'Minutes of Evidence taken before the Penal Servitude Acts Commission', PP 1863, xxi, evidence of Sir Walter Crofton, 252–311. See Crofton to Carlisle, 1 March 1856: 'I have this day tried an experiment at Smithfield which I am glad to say came off satisfactorily – I selected two prisoners & sent them messages to the different prisons and gave them commissions to execute. They came to this office in the course of transacting their business & returned to Smithfield [prison] in an orderly, quiet manner. No officer attended them.' Castle Howard MSS, J19/1/63/62.

<sup>77</sup> Crofton to Carlisle, 8 Sept. 1858, Castle Howard MSS, J19/1/81/14.

<sup>78</sup> On the strategy and psychology of the 'stages system' see Forsythe, *The Reform of Prisoners*, 74–81.

<sup>79</sup> Henriques, *Before the Welfare State*, 183; Grünhut, *Penal Reform*, 86–7. For an account of the supervision of released convicts under the Irish System see 'A Brief Description of the Course Pursued in Supervising Ticket of Leave Convicts in Dublin' drafted by Crofton for the fourth earl of Carnarvon, probably in February 1863. Herbert MSS (Carnarvon papers), BL Add. MS 60846, f. 62.

<sup>80</sup> Grünhut, *Penal Reform*, 87. As Crofton wrote to Carlisle during the first ticket-of-leave panic in 1856–7, 'I am rather tempted at times to rush into print to explain the system under which our Tickets are given, which I am sure would satisfy the greatest anti-humanitarian.' Castle Howard MSS, J19/1/69/31, 12 Dec. 1856.

<sup>81</sup> Revd W. L. Clay, 'On the Difference Between the English and Irish Convict Systems', *T.1862*, 395–402; T. B. Lloyd-Baker, 'How to War with Crime', *T.1859*, 509–10. McConville, *English Local Prisons*, 88.

with an atmosphere of sympathy, encouragement, and beneficent influences' and extolled 'the power of individualizing them, and bringing the battery of advice and persuasion to bear upon their special cases'.<sup>82</sup>

Carlisle's ethico-religious language was unusual: prison discipline was rarely discussed at the SSA in spiritual terms. Far more common was language emphasising control and incapacitation, focusing on the evil rather than the good in the criminal. If these words tell us something about the relation of Carlisle's faith to his social activism, however, they also show how broad was the appeal of 'reformatory discipline': utilitarians worried about the cost of punishment and also optimistic, 'incarnationalist' Christians worried about saving the souls of the punished, were both attracted to the experiment in Ireland.<sup>83</sup> Historians have often expressed surprise that such slight differences between the English and Irish systems could have engendered so much passion. The 'progressive stages system' was common to both prison regimes, after all. To partisans of the Irish system, however, Jebb's system did not apply sufficient rigour to change men's habits and souls.

At the first two SSA congresses Hill, Brougham, Russell, and Carlisle endorsed the Irish System from the podium.<sup>84</sup> Carlisle's support from Ireland and in person at Liverpool in 1858, when he was temporarily out of office, was especially helpful.<sup>85</sup> The climax of the Association's advocacy came in 1861–2 in Dublin and London. The 1861 congress was set up as a showpiece for the Irish system. As Brougham wrote to Hill, 'Finding that the main object is to make a decisive stand for Crofton and his plans, I have given the principles summarily, but plainly, and pronounced judgment on its great superiority to our English proceedings'.<sup>86</sup> The meeting attracted penal experts and interested parties and they visited the various institutions in Crofton's system and spoke with local employers.<sup>87</sup> On the penultimate day of the congress the Queen, the Prince Consort, and their two elder sons arrived in Dublin, and Albert and the princes later visited Smithfield, the intermediate prison

<sup>82</sup> *T.1858*, 77. Diana Davids Olien, *Morpeth. A Victorian Public Career* (Washington, D.C., 1983), 419–20. On the supposed inadequacies of the English regime, see Crofton to Carlisle, 30 Nov. 1856, Castle Howard MSS, J19/1/69/10. This was written after Jebb had visited Ireland to see the Irish System at work and had spoken with Crofton in person.

<sup>83</sup> Hilton, 'Whiggery, Religion and Social Reform', 42.

<sup>84</sup> For Russell's endorsement see *T.1858*, 14.

<sup>85</sup> Carlisle to Brougham, 29 Sept. 1857, B MSS, 8920; *T.1862*, 379.

<sup>86</sup> R. and F. Davenport Hill, *The Recorder of Birmingham*, 413; *T.1861*, 12–13.

<sup>87</sup> T. B. Lloyd-Baker, 'My Life,' pt II, ff. 56–60, Hardwicke MSS, D3549/25/7/1.



in the city.<sup>88</sup> As Carlisle wrote to Brougham, 'universal satisfaction seems to be felt with the conduct and results of the Congress'.<sup>89</sup>

The Irish system received more publicity when the congress convened in London and the SSA engineered a showdown between Crofton and Jebb. Though Crofton had just retired from his official position, that the two most senior officials in the penal servitude system debated with each other in public is tribute to the Association's capacity to focus national debate. It is also evidence of the flexible mid-Victorian conventions governing the civil service. Here were two 'statesmen in disguise',<sup>90</sup> architects of policy in a bureaucracy allowing leading officials considerable latitude, throwing off their disguises, and defending their conduct and principles in public.

Achilles came out of his tent. Jebb's paper on 'The Convict System of England' was a defence of his record, based upon 'the remarkable diminution in the number of convicts' since 1853. In another address Jebb questioned the applicability of Crofton's system in England. He explained that 'official reserve' had so far prevented him from entering the lists, but that it was now his duty to present the case for the English system.<sup>91</sup> He criticised lax discipline in the Irish intermediate prisons; he warned that convicts could feign reformation; he opposed progress through the stages system based on educational attainment rather than 'good conduct and industry'. He argued that police supervision of the discharged 'would effectually stamp them as individuals belonging to a criminal class' and would make it more difficult for them to find honest work.<sup>92</sup> Support came from other speakers: one paper was a convincing statistical refutation of the claims of success made about the Irish system, which, *inter alia*, made the important observation that the social crisis through which Ireland in the era of famine and mass emigration had passed was hardly an appropriate context for drawing conclusions about penal discipline. Given that real wages were rising in Ireland in the 1850s as a consequence of drastic demographic decline, this may have reduced the incidence of crime.<sup>93</sup> In response, Crofton defended his regime, though he refrained from criticising Jebb's 'administration of a very difficult department', for this would not be to 'the public advantage'. He contended that out of over four thousand convicts discharged from

<sup>88</sup> R. and F. Davenport Hill, *The Recorder of Birmingham*, 414–15.

<sup>89</sup> Carlisle to Brougham, 27 Aug. 1861, B MSS, 34761.

<sup>90</sup> G. Kitson Clark, "'Statesmen in Disguise': Reflexions on the History of the Neutrality of the Civil Service', *Historical Journal*, 2 (1959), 19–39.

<sup>91</sup> *T1862*, 403. <sup>92</sup> *Ibid.*, 411.

<sup>93</sup> Revd John P. Burt, 'Convict Discipline in Ireland', *T1862*, 379–95.

Irish prisons between 1856 and 1862, only 10 per cent had been reinterred for breaking the conditions of their licence, or committing new offences. His paper was interesting not only in its discussion of Irish penal discipline but in his determination to go beyond reformation of the many to the treatment of the irredeemable few: 'the great problem to be solved' he could now see, 'was not to cure the merely lapsed offender, but to render the "habitual criminal" innoxious to the public'.<sup>94</sup> This pointed towards the policies of the late 1860s.

According to Crofton 'The opinion of the Meeting, morning & evening was I may say entirely in our favour – There can't be two opinions upon it.'<sup>95</sup> Both parties claimed victory in 1862, however.<sup>96</sup> Who *did* win this battle? Though the SSA could bring senior officials and ministers to the debating chamber, could it also shape the policies implemented? While acknowledging its significance as a forum for discussion, historians have tended to discount its influence over government. They have noted that the crucial 'intermediate stage' of Irish prison discipline was rejected by the 1863 Royal Commission, and never adopted in England under Du Cane's regime.<sup>97</sup> It has been argued that the enquiries and legislation of 1863–5 largely vindicated Jebb's regime and 'headed off and reversed' the campaign of the reformers.<sup>98</sup> Certainly, the commissioners and the Home Office showed no overt enthusiasm for 'reformation'.<sup>99</sup> The temporary settlement in the mid-1860s was probably a draw. While the Association criticised the Royal Commission's recommendation that transportation to Western Australia be retained, it welcomed recommendations for more stringent punishments, especially longer sentences, a proper classification of prisoners, the incentive of the mark system in prison, and the strict supervision of licensed convicts once released, all of which had been longstanding elements of its programme.<sup>100</sup> If intermediate prisons were never adopted, then the subsequent 1864 Penal Servitude Act did introduce monthly reporting of licence-holders in England, granting the police powers to bring a ticket-of-leave man before magistrates if conditions of the licence were believed broken. The licence

<sup>94</sup> Sir Walter Crofton, 'On the Operation in Ireland of the Penal Servitude Act of 1857', *T.1862*, 372–9. On Crofton's scruples about criticising Jebb in public, see Crofton to Carlisle, [June 1862], Castle Howard MSS, J19/1/99/42.

<sup>95</sup> Crofton to Carlisle, [June 1862], Castle Howard MSS, J19/1/99/42.

<sup>96</sup> R. and F. Davenport Hill, *The Recorder of Birmingham*, 416.

<sup>97</sup> Radzinowicz and Hood, *History of the English Criminal Law*, v, 553.

<sup>98</sup> McConville, *History of English Prison Administration*, 1, 444.

<sup>99</sup> Hastings to Brougham, 2 Jan. 1863, B MSS, 13127. David Taylor, *Crime, Policing and Punishment in England 1750–1914* (London, 1998), 151–3.

<sup>100</sup> *T.1863*, 404–5.

could then be revoked, and the convict reimprisoned. It also introduced a mark system into English convict prisons, which now divided a convict's passage, after the initial stage of separation, into four ascending sub-stages, with their relevant privileges, before release.

Crofton observed at the York congress 'that during 1864 we have made some important steps of improvement', but the system of penal servitude was not 'as yet complete'.<sup>101</sup> Hill lamented the failure to win acceptance for 'intermediate' discipline; nevertheless, 'we have zealously assisted in bringing over the largest part of the Irish system into our own island'.<sup>102</sup> As Hastings concluded, 'the Association has had the satisfaction of seeing [its] views respecting convict discipline . . . substantially accepted by Parliament, and adopted by the Home Office'.<sup>103</sup> The campaign had not been won outright, but had moved forward: it was marked by more direct involvement from the SSA in the late 1860s and early 1870s.

#### IV

Historians have noted a hardening of attitude in penal policy in the late 1860s as the prison regime was tightened and legislation targeted a new group, 'habitual criminals', whose civil liberties were curtailed in the drive to eradicate repeat offending. The very language in which criminality was discussed became more extreme, even hysterical, as a rhetoric of moral improvement was replaced, it is argued, by one of repression. The consensus is that whatever the nature of earlier hopes, public anxiety, parliamentary opinion, and the prison administration after Jebb were united in a turn against liberal treatment of the criminal.<sup>104</sup>

Was a focus on 'habitual offenders' a turn away from the principles of the reformatory movement, or a corollary of them, however? Hill had always advocated life-imprisonment for those who could not be reformed, and surveillance and reimprisonment for those unable to prove an honest livelihood. Thinking on penal discipline turned to the question of recidivists in the late 1860s and they were certainly treated in different ways from other offenders, but this was a development of reformatory principles, not a departure from them.<sup>105</sup> The distinction between casual and professional crime ran through the movement as a defining theme.<sup>106</sup>

<sup>101</sup> *T.1864*, 231–2. <sup>102</sup> *T.1864*, 242. <sup>103</sup> *T.1864*, xxxvi.

<sup>104</sup> Burn, *Age of Equipoise*, 183, 194; Henriques, *Before the Welfare State*, 181–2; Radzinowicz and Hood, *History of the English Criminal Law*, v, 253; Forsythe, *The Reform of Prisoners*, 163–4.

<sup>105</sup> This argument may be contrasted with Bartrip, 'The Career of Matthew Davenport Hill', 251–2, that 'Hill's pleas for reformatory treatment made little headway.'

<sup>106</sup> Melling is mistaken in seeing the distinction between remediable and irreducible criminals, intrinsic to the Habitual Criminals Act, as 'a departure from the reformatory model'. The

As Stanley wrote to Lloyd-Baker in 1856 when still an initiate in penal discipline,

I wish we could distinguish, but really I don't see how to do it, between cases which indicate habits of crime (such as pocket-picking, which requires previous training), and cases where the offence has been committed on sudden temptation, in drunkenness, or mischief. I am persuaded that the latter class of offences would come out much larger, the former much less, than people have any idea of. All this makes for the possibility of reformation – or rather proves that it is less needed than we suppose.<sup>107</sup>

At the 1857 congress Lloyd-Baker explicitly contrasted 'casual and regular crime', or 'one who weakly yields to a sudden temptation' with 'the other who goes to seek for the opportunity of stealing, and that as a daily practice and habit'.<sup>108</sup> In the following year Russell asked the Liverpool congress 'what is to be done with the irreclaimable minority?' and Crofton divided between 'the impressible and the unimpressible'.<sup>109</sup> When the president of the Department of Punishment and Reformation in 1863 in Edinburgh spoke of 'a melancholy residuum of incurable criminals' the authentic Victorian instinct to draw lines between different groups – the deserving and undeserving, the respectable and the rest – was manifest.<sup>110</sup>

Given this pre-existing distinction between types of criminal, it would be mistaken to contend that penal opinion changed in any considerable way after the mid-1860s. Rather, with the question of the prison regime settled between 1863 and 1865, the focus moved to the supervision of released offenders, and to the control of 'habitual offenders' who were becoming an established category in penal thinking. As Hilton recognises, the association of serious criminality with a small and identifiable group, in contrast to the reclaimable majority of offenders, was a considerable and essentially liberal development from early Victorian fears of crime as a disease, working its way indiscriminately through society without hope of cure.<sup>111</sup> Coming at policy from the vantage point of the

movement never believed 'that any criminal is capable of being reformed'. Melling, 'The Habitual Criminals Act', 356, 362.

<sup>107</sup> Edward Henry, Lord Stanley to Lloyd-Baker, 28 Aug. 1856; Lloyd-Baker to Lord Stanley, 1 Sept. 1856, Hardwicke MSS, Gloucester Record Office, D3549/25/4/3. Stanley's distinction between casual larceny and inveterate criminality, and his commitment to the 'reformation' of criminals in general, may have had psychological roots in his expulsion from Eton for allegedly stealing from another boy. I am grateful to Angus Hawkins for prompting this speculation.

<sup>108</sup> *T.1857*, 272. <sup>109</sup> *T.1858*, 15, 377.

<sup>110</sup> Lord Neaves, 'Address on Punishment and Reformation', *T.1863*, 85.

<sup>111</sup> Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought 1785–1865* (Oxford, 1988, 1991 edn), 269.

reformatory movement, what occurred at this stage was a continuation of their programme of reform, rather than a deviation from it. As before, it was a programme balancing rigorous moral assistance for the mass of offenders, who might be reformed, with severity for a minority who might not. In the words of the Home Secretary, H. A. Bruce, when explaining the principles of the Habitual Criminals Act in August 1869, and who was then working under the influence of the Social Science Association, 'what they ought to aim at was to give encouragement and assistance to the reclaimable, but with respect to the hopelessly irreclaimable, to hunt them down without mercy'.<sup>112</sup> This may reflect the exaggerated tone of the late 1860s, but also embodies the established principles of the reformatory movement. The movement's success and the extent of SSA influence over policy formation may be measured in the 1869 Habitual Criminals Act and 1871 Prevention of Crimes Act. Both statutes demonstrate the receptivity of a senior minister to the Association's blueprints.

V

By 1868 the SSA was beginning to call for greater 'thoroughness and completeness' in the treatment of criminals and to entertain the idea of supervision not only of released convicts on licence, but of suspects in general, 'those who are criminals by habit and repute, and who are known to the police to make crime a vocation' as Crofton explained in 1868. It all seemed so easy, despite the obvious infringements of civil liberties that would be involved: having accepted the principle of supervision for those on remission, 'we have now merely to institute, in certain cases, before defined, sentences of Police supervision without the preliminary imprisonment'.<sup>113</sup> In subsequent discussion, the earl of Carnarvon, President of the 1868 congress, endorsed Crofton's suggestion, calling for the extension of 'the system of surveillance . . . to the whole criminal class of the country'.<sup>114</sup> The Liberal victory in the November 1868 general election, and the appointment of Henry Bruce as Home Secretary provided the opportunity to impress these ideas on government. Bruce had developed close relations with those managing reformatories and industrial schools while vice-president of the Committee of Council on Education from 1864 to 1866.<sup>115</sup> He attended the SSA's 1866 congress at Manchester as President of the Education Department. There he enjoyed mixing with an array of notables, and took pleasure in Shaftesbury's

<sup>112</sup> *Parliamentary Debates*, 3rd series, 198, 1258–9, 4 Aug. 1869.

<sup>113</sup> *T.1868*, 303, 305.

<sup>114</sup> *T.1868*, 349. <sup>115</sup> Wiener, *Reconstructing the Criminal*, 147.

praise for his 'magnificent' address. He was 'very glad that I have come here. The discussion of important subjects with such various minds is certainly very useful if it be not allowed to evaporate in talk, and there is a heartiness in such association which is very pleasant.'<sup>116</sup> Having picked out a 'coming man' who was then given office in such a strategically important department, the Association was not slow to bring its influence to bear.

Within weeks of Bruce's appointment, on 14 December 1868, a deputation from the SSA, led by Crofton, waited on him at the Home Office. It was suggested that a central register of released ticket-of-leave men, on the Irish model, be maintained to assist surveillance. If ex-convicts who had been convicted twice or more were 'found to be without any honest means of livelihood, they should be liable to arrest, and bound to give security for engaging in honest work during a certain stated period; or failing that, be sent to prison'. Bruce, for his part, 'expressed great interest' and 'promised that the matter should have the attention of Government'.<sup>117</sup> The story is taken up by Lloyd-Baker:

Crofton wrote to me to come up to London to a meeting of the Social Science to consider the Heads of a Bill, in case it should be listened to. We met, a very small number, Crofton, Edwin and Frederic Hill, Herbert Safford, & one or two more, all of us, except Safford, being as unfit men to draw up an Act of Parliament as could be found; however, in a couple of hours, we had got the principles of an utterly unworkable Bill; but I said 'that it did not signify, for that it would only be in the Home Office Closet for 10 years & before it was called out, we could have got a better Bill into shape', and I came home well satisfied with having made a very small beginning, which might come to something after many years. What was my astonishment & I may almost say disgust, though certainly mingled with great pleasure! when I found our wretched little Bill actually printed to be brought before Parliament. I was terrified of our success!<sup>118</sup>

To Baker's relief the bill was introduced in the Lords by the earl of Kimberley, the Lord Privy Seal, in late February 1869 and sensibly amended into 'a really workable state' according to suggestions that Baker himself supplied, before being sent to the Commons. He described it in a letter to *The Times* in March as 'probably the boldest and most sweeping, but, at the same time, the most beneficial, reform ever attempted in the repression of crime'.<sup>119</sup> The Commons did very little to the bill, and, at the end of the session it became the 1869 Habitual

<sup>116</sup> *Letters of the Rt. Hon. Henry Austin Bruce, G.C.B., Lord Aberdare of Duffryn* (2 vols., Oxford, 1902), 1, 242-3 (6 Oct. 1866).

<sup>117</sup> *SP 1868-9*, 98, 253-4; *The Times*, 16 Dec. 1868, 7.

<sup>118</sup> Lloyd-Baker, 'My Life', pt II, 1856-79, D3549/25/7/1, ff. 174-7.

<sup>119</sup> *The Times*, 8 March 1869, 4. For a review of the bill see the *Pall Mall Gazette*, 1 March 1869, 1-2.

Criminals Act. As Lloyd-Baker was told by the Conservative, Sir Michael Hicks Beach, 'the Bill came on about 2, only about 10 men in the House knew or cared anything about it, we kept awake and said nothing but "Aye", and it passed very pleasantly'.<sup>120</sup> Despite understatement and parody, this is close enough to the account constructed by Melling, without the benefit of Lloyd-Baker's papers, to be an authentic memoir of the passage of the bill. Its depiction of the arbitrary way that law was made in mid-Victorian parliaments, especially when the laws concerned social questions, is close to the mark.<sup>121</sup> Lloyd-Baker's memoir confirms that Houghton was correct when he accused the new administration of concealing the origins of the measure:

What is this Bill? I venture to say it is not the Bill of the present Government or of any Government at all – it has come to them from without . . . The real author of this Bill is Sir Walter Crofton. It is the embodiment of the principles on which that gentleman consistently acted in his Irish practice, and which he has urged very strongly upon England for some years at public meetings and otherwise.<sup>122</sup>

The pattern was repeated over the next two years. The 1869 Act had many defects: as Lloyd-Baker, who would have known, put it judiciously, it 'was a somewhat hasty and impulsive movement founded on a grand idea'.<sup>123</sup> It was complained that on its way through parliament it had been shorn of the (admittedly controversial) condition in the 1864 Penal Servitude Act by which those under supervision had to report monthly to the police, thus defeating the object of increasing control of convicts discharged on licence.<sup>124</sup> It was also argued that the 1869 Act did nothing to control the receipt of stolen goods, or the harbouring of thieves. The SSA monitored the measure and memorialised the Home Office about its defects.<sup>125</sup> At the beginning of 1871 Bruce announced his intention of introducing a new measure to improve supervision. As Lloyd-Baker recalled, 'Hastings went to see him on behalf of the Social Science Association, & asked him to amend the clause which dispensed with the Monthly Report of those under Supervision.' On this occasion Bruce

<sup>120</sup> Lloyd-Baker, 'My Life', pt II, D3549/25/7/1, ff. 177–8.

<sup>121</sup> Melling identifies a cabal of SSA members, including Baker, Hill, and Crofton, whom he believes responsible for the legislation. This is confirmed by Baker's autobiography. Melling, 'The Habitual Criminals Act', 324–7, esp. 326 n. 76. See also Wiener, *Reconstructing the Criminal*, 148n.

<sup>122</sup> *Parliamentary Debates*, Lords, 194, 5 March 1869, 710.

<sup>123</sup> Lloyd-Baker, 'My Life', pt II, D/3549/25/7/1, f. 220.

<sup>124</sup> *Ibid.*, f. 221; *TL* 1870, 101; *SP* 1870–I, 350; Radzinowicz and Hood, 'Incapacitating the Habitual Criminal', 1342.

<sup>125</sup> *SP* 1870–I, 348–50.

apparently demurred on the grounds that 'nobody else was in favour of the Monthly Report'. Hastings responded by writing round 'to all England', canvassing the opinion of Discharged Prisoners' Aid Societies, chairmen of Quarter Sessions and others, and presented Bruce with the results 'showing that somewhat like 95 per cent were in favour of the Monthly report, which was therefore inserted and carried' in the subsequent Prevention of Crimes Act.<sup>126</sup> The exertions of the Association in securing this information were referred to obliquely in the Lords' debate on the second reading of the bill.<sup>127</sup> According to the *Daily News* in 1870, 'The whole process of dealing with criminals is undergoing a revolution, and the revolution is in great degree due to efforts which the annual Social Science discussions have promoted and stimulated.'<sup>128</sup> That was true, but what the newspapers missed was the extent to which the SSA worked by influence deployed away from the public arena.

In that exercise of influence, the Association frequently experienced the obstruction of the Home Office.<sup>129</sup> Under Bruce, things were different. After the passage of the Habitual Criminals Act, Hastings could volunteer 'the gratitude of the Association . . . to Mr. Bruce, for the good fight with which he carried it in the teeth of many obstacles'.<sup>130</sup> The Association had never enjoyed such warm relations with a senior minister, nor would they again. The Home Secretary came to rely on the SSA's expertise, and to use it for purposes of research. For example, Hastings suggested to Bruce in 1872 that the administration of county and borough gaols was ripe for investigation and reform. This was part of a process that led ultimately to the 1877 Prisons Act that brought local prisons under the control of central government.<sup>131</sup> Bruce was not willing to appoint a royal commission, but supported the SSA's organisation of a conference on the subject in March 1873. The results of that meeting were then transmitted back to the Home Secretary by Hastings.<sup>132</sup>

Once out of office, it was almost inevitable that Bruce, now Lord Aberdare, should preside at the 1875 congress, providing an opportunity for mutual congratulation. According to the former Home Secretary,

As to improvement in the registration of criminals, and also in their supervision . . . For his own part, though he was the responsible author of the Acts in question, Sir Walter Crofton was entitled to a great share in the authorship of those measures. To Sir Walter and the Social Science Association was due much

<sup>126</sup> Lloyd-Baker, 'My Life', pt II, ff. 222-3. <sup>127</sup> *Parliamentary Debates*, 207, 4 July 1871, 1082.

<sup>128</sup> *Daily News*, 30 Sept. 1870, 5. <sup>129</sup> *T.1864*, 242; *SP 1870-1*, 318-19. <sup>130</sup> *T.1869*, 37.

<sup>131</sup> McConville, *History of English Prison Administration*, I, 468-82.

<sup>132</sup> 'Conference of Visiting Justices on Prison Discipline and Labour in Prisons', *SP 1872-3*, 271, 274.



of the credit of having prepared the mind of the country on the subject, and for having rendered it possible for a minister with any hope of success to present the bills which Parliament afterwards passed.<sup>133</sup>

The relationship with Hastings was especially close: as Hastings explained, he had 'been constantly in communication with the Secretary of State at the head of the Home Office with reference to measures on various public questions'.<sup>134</sup> As Aberdare duly instanced,

In 1869 he had brought in a bill, called the Habitual Criminals Bill, the working of which had given great satisfaction, but in process of time it was found that considerable improvements might be introduced. Mr. Hastings called on him at the Home Office, and explained what general experience had proved to be required to make the Act work smoothly and efficiently. He could say himself that during the time he was in office he frequently consulted the records of the Association and derived great advantage from their labours.<sup>135</sup>

The relationship went beyond penal questions and Hastings paid tribute 'to some of the [other] important measures furthering the views of the Association which had been passed by Lord Aberdare when Secretary of State' including the Licensing Act, the Mines Regulation Act, and extensions of the Factory Acts. 'He begged in the name of the Council of the Association to acknowledge the eminent services of Lord Aberdare with the most emphatic gratitude.'<sup>136</sup> Whether those 'services' were to the SSA or to the community in general was unclear. If Bruce was especially sympathetic, the Association did not let sentiment impede its *modus operandi*: no sooner had Cross, his Conservative successor, taken office, than the SSA sent a deputation to the Home Office to press on the reform of local prisons.<sup>137</sup>

There was nothing foreordained in the Association's success in shaping penal legislation after 1868: a sympathetic Home Secretary, a House of Commons off its guard, the caballing of a few enthusiasts – all these played contingent roles, reminding us of the circumstantial nature of much Victorian social policy. It would be incorrect, however, to see the acts of 1869 and 1871 as the products of pragmatic adaptation as the system of penal servitude evolved. For Crofton, Lloyd-Baker, Hastings, and the Hills were able to shape legislation in conformity with long-held views and practices, among them the distinction between casual and habitual offenders, the need to supervise convicts after early release, and the determination to lock up those merely suspected of criminality or criminal associations. These ideas were intrinsic to the reformatory movement

<sup>133</sup> *T.1875*, 323. <sup>134</sup> *Brighton Daily News*, 14 Oct. 1875, 7. <sup>135</sup> *The Times*, 14 Oct. 1875, 10.

<sup>136</sup> *Ibid.* <sup>137</sup> *The Times*, 5 May 1874, 11; McConville, *English Local Prisons*, 188.

of the 1850s and found practical expression in Crofton's Irish system. A group of reformers with a plan and principles of reform brought their influence to bear using the SSA. By luck as much as judgment they were successful.

A measure of that success, as so often for reforming campaigns, was a type of self-liquidation: the reduction, noted by Wiener, in the centrality of penal questions in SSA debates in the 1870s.<sup>138</sup> After 1871 there was a less insistent focus on penal discipline, and such debates as took place were on technicalities. Crofton continued to worry about the minutiae of supervision and registration, but the issue lacked the immediacy of earlier years. When Du Cane came to deliver his 'Address on the Repression of Crime' to the SSA in 1875 he could be sanguine:

When I recall the storms that raged some thirteen or fourteen years ago about our convict establishments . . . and contrast the comparatively small amount of public attention now bestowed on these establishments, I gladly accept the inference that the public interest has decreased, because they are on the whole, so well regulated and looked after that they afford no material for sensational discussion; and that the system on which they are managed comes favourably out of the examination, if tested by results.<sup>139</sup>

By the second Manchester congress in 1879 Hastings could look back and describe how the battle had been won and the SSA's Department for Punishment and Reformation consequently dissolved:

Through the progress of years, as often happened, the particular class of questions with which they dealt fell somewhat into the background, chiefly because they had been so successful in impressing their views upon the Home Office and upon Parliament: those views were adopted and carried into effect, and no new questions came up. The Council of the Association . . . abolished the Department for the Repression of Crime and made it a sub-section of the Jurisprudence Department.<sup>140</sup>

## VI

The Association's success was purchased at the price of public liberties: this had always been intrinsic to the reformatory movement, which prized control of criminals above the maintenance of civil freedoms. The Habitual Criminals and the Prevention of Crimes Acts were the first pieces of English legislation to deal with a specified criminal class. They sanctioned different legal and penal treatments for certain groups,

<sup>138</sup> Wiener, *Reconstructing the Criminal*, 216.

<sup>139</sup> *T.1875*, 294.

<sup>140</sup> *T.1879*, 337.

criminalising types of behaviour among some that would have been legal among others. They also reversed the burden of proof: the courts did not have to prove the criminality of a suspect; rather, in Du Cane's words, 'if, under certain circumstances, reasonable suspicion is directed against him, the burden of proving himself innocent is cast upon him'.<sup>141</sup> In the Lords' debate on the Habitual Criminals bill Houghton thus opposed the proposed legislation as 'alien to the habits of our people' and 'a departure from our established social system... a man once convicted would be an object of continued persecution'.<sup>142</sup>

There are also grounds for wondering if the SSA did not itself construct the demon – the habitual criminal – that it then hunted down. While the distinction between casual and hardened offenders was assumed by the reformatory movement, and inspired it to work with juveniles before they graduated from one category to the other, the measures it adopted to control professional criminals ran the risk of demarcating repeat offenders in a variant of the 'labelling process' familiar to modern criminologists. In 1861 the Prussian penologist, Holtzendorff, had warned the Association against following the more intrusive practices of police supervision on the continent by which 'a criminal class is created where it did not exist'. Police supervision was 'a legal contradiction to any hope of reformation'.<sup>143</sup> At the following congress the embattled Jebb, who had always opposed supervision on these grounds, warned that 'to brand any class of men in such a way as to be shunned by their fellows is to create a greater evil than that which is sought to be removed'.<sup>144</sup>

Though much of the debate at the SSA was premised on the existence of a class of habitual criminals, precise definitions of its composition and characteristics were always in short supply.<sup>145</sup> Crofton wrote in 1866 of 'a dominant criminal class in our midst'. It was distinguishable from the unemployed poor and from 'roughs', but beyond that there was little certainty.<sup>146</sup> Evidence after 1871 does not support the view that the law-abiding majority faced much of a threat from 'habitual criminals'. The image of a whole 'class' of hardened offenders faded in the 1870s as public anxiety about the penal system eased. Over the course of the next two decades the numbers placed annually under police supervision fell dramatically and those who were prosecuted on suspicion of criminal

<sup>141</sup> *T.1875*, 278; Melling, 'The Habitual Criminals Act', 353–4.

<sup>142</sup> *Parliamentary Debates*, Lords, 194, 5 March 1869, 709–11. *The Times* did not agree; see 23 Feb. 1869, 9. See also *T.1868*, 350.

<sup>143</sup> *T.1861*, 416–18. <sup>144</sup> *T.1862*, 411–12. Forsythe, *The Reform of Prisoners*, 150–1.

<sup>145</sup> Radzinowicz and Hood, 'Incapacitating the Habitual Criminal', 1308–12.

<sup>146</sup> Sir Walter Crofton, *The Criminal Classes and Their Control* (London, 1868), 5, 8, 9.

behaviour or association were really very few, just several dozen each year. It is doubtful if the police ever had the resources, commitment, or skills required to trace and monitor those placed by the courts under supervision. And it has been argued that the judiciary as well as the public had reservations about the severity and illiberality of the punishment and supervision of habitual offenders under this regime, which limited its application by the courts.<sup>147</sup> Whether out of ignorance, panic, or more Machiavellian motives, or a combination of all three (which latter seems the most likely), the Social Science Association had assisted in the creation of a criminal type which seems to have had little basis in fact, but whose supposed existence allowed it to recommend greater social controls.

## VII

It has been argued that nineteenth-century liberalism had its obverse in the increasing intolerance of crime and deviance in general: that the corollary of growing personal liberty and opportunity in Victorian Britain was mounting prejudice against those believed to threaten society.<sup>148</sup> 'Liberalism extended formal political rights while sharply reducing public tolerance for popular disorder.'<sup>149</sup> In a society dedicated to removing the state's influence over individuals in the economic sphere, there was apprehension lest freedom from control encourage an aberrant individualism which would prey upon those now given greater opportunity to work out their own destinies. The law-abiding majority were, by definition, competent to control themselves; but the criminal minority needed controls imposed on them by systems of reformatory punishment.<sup>150</sup>

This apprehension was related to the conflict of social classes, certainly: the Victorian bourgeoisie feared for the safety of property and looked to the state to protect them from lower-class criminality, as property-holders have always done. The positive correlation of liberalism and incarceration, however, was also the product of ideology because criminals threatened the development of a community dedicated to individualism. The ideology of liberal individualism was at its height in the mid-Victorian decades. As Liberal reforms of the financial system, the

<sup>147</sup> Radzinowicz and Hood, *History of English Criminal Law*, v, 254–61; Radzinowicz and Hood, 'Incapacitating the Habitual Criminal', 1347; Wiener, *Reconstructing the Criminal*, 302–4.

<sup>148</sup> Ignatieff, *A Just Measure of Pain*, 207–20; Wiener, *Reconstructing the Criminal*, *passim*.

<sup>149</sup> Ignatieff, *A Just Measure of Pain*, 212. <sup>150</sup> Wiener, *Reconstructing the Criminal*, 11–12.

churches, the family, and the education system expanded the realm of personal freedom, so they were matched by the simultaneous construction of a penal regime of increasing severity to deal with those who had apparently put themselves outside the evolving consensus. The SSA extended personal rights in several areas of its work, but in the Department of Punishment and Reformation it curtailed them for those who would not co-operate. Indeed the reformatory movement is a very good example of the darker side of mid-Victorian liberalism. Liberalism believed in the possibility of reform for the many, and encouraged penal discipline to effect their transformation, but made a distinction between them and the 'irredeemable' who were to be targeted and extinguished as a threat. The SSA spoke the language of moral improvement, and believed it affirmed the spirit of a liberal age, but was prepared to ignore the rights of a recalcitrant minority. Ignatieff has pointed to the example of Bentham, at once 'the advocate of parliamentary reform and the publicist of the Panopticon'.<sup>151</sup> In M. D. Hill, a utilitarian of the 1820s, there is a similar paradox. Hill's ideas, seemingly a contradictory corpus of enlightened optimism, as applied to the many, and grinding severity as applied to the few, have encouraged doubts about the logic and consistency in his opinions. But they are consistent with this picture of liberalism as simultaneously emancipatory and punitive. Indeed, they *only* make sense when placed in this context.

The hardening of attitudes towards criminality may best be explained as the trade-off against the liberal reforms of the era which climaxed in the first Gladstone administration. In view of these reforms, the 1860s can hardly be described in terms of 'general social illiberality'.<sup>152</sup> Rather, the reforms were offset by harsher treatment for an ill-defined, professional 'criminal class'. Or, put another way, if the Social Science Association at the end of the 1860s dedicated itself to the successful passage of a law allowing married women to retain possession of their money and jewels on marriage – the Married Women's Property Act of 1870, an example of emancipatory liberal reform – the Association wanted to be sure that these could be locked safely in the boudoir out of reach of any 'habitual criminals', or worn round the neck, safe from any 'garrotter'.

The relationship between liberalism and criminality has a final implication for the way in which the history of penal policy should be written: it returns this history to the realm of ideas. The development of mid-Victorian penal servitude has been presented in at least two ways: as the

<sup>151</sup> Ignatieff, *A Just Measure of Pain*, 212.

<sup>152</sup> Bartrip, 'The Career of Matthew Davenport Hill', 229.

product of alarmed public opinion driving parliament to panic measures, or as a process of piecemeal adaptation according to essentially pragmatic considerations – ‘the resort to improvised measures as opposed to a considered alternative’.<sup>153</sup> It has been argued that ‘the practical difficulties confronting the prison administration . . . took precedence over the construction of a coherent penal policy’; that penal legislation had ‘an *ad hoc* and expedient quality’; that nineteenth-century criminal justice was characterised by the ‘tentativeness, variability and complexity of developments’;<sup>154</sup> that the mid-Victorian authorities administered by ‘hand-to-mouth pragmatism’.<sup>155</sup> This is a version of the so-called ‘tory interpretation’ of administrative history and social policy, and it must always have a place in institutional histories, for, from experience and observation, we know it to be a ubiquitous aspect of the way that social institutions develop. As a critic of this explanation of the evolution of penal servitude has pointed out, the ‘contention that the 1840–70 period was one of considerable local diversity, unevenness of development and of *ad hoc* compromises between reforming ambitions and local realities, is not difficult to accept’.<sup>156</sup> But at the heart of this particular story of the development of penal servitude is something different from pragmatism, or measures determined by public anxiety and press sensationalism: at the heart lies a movement with a set of principles and goals, which were applied through the influence of an effective advocate – the SSA – and which gradually came to shape the penal system that replaced transportation.

Professor MacDonagh’s celebrated model of Victorian social reform, a variant of the tory interpretation, has been employed to explain the development of penal servitude. In this structure the identification of an ‘intolerable evil’ was answered by hasty legislation, which legislation was found wanting, prompting further investigation and legislation, until, by trial and error, a tolerable administrative system was established.<sup>157</sup> This model does not fit the argument advanced here because it cannot accommodate social reforms which were the consequence of ideas and their effective projection. The penal legislation of the 1860s was heavily influenced by a group of specialists, who had long visualised a reconstructed penal system consistent with the principles of ‘reformation’, based on

<sup>153</sup> Bailey, ‘Introduction’, 20. <sup>154</sup> *Ibid.*, 20, 21, 12.

<sup>155</sup> Bartrip, ‘Public Opinion and Law Enforcement’, 174.

<sup>156</sup> Gareth Stedman Jones, *The Guardian*, 17 Sept. 1981, 18.

<sup>157</sup> Oliver MacDonagh, ‘The Nineteenth-Century Revolution in Government: A Reappraisal’, *Historical Journal*, 1, 1 (1958), 52–67. Bartrip, ‘Public Opinion and Law Enforcement’, 176.

their initial experience of dealing with juvenile crime in reformatories and the model of penal discipline first employed in Ireland in the 1850s. Those principles, encompassing not only the nature of the prison regime, but also the supervision of offenders on release, and the surveillance of the criminal class in general, remained constant across two decades. In other words, ideas are important in administrative history, particularly when held by influential individuals with powerful political allies, and in a situation in which a disquieted public – for opinion was certainly a factor – was willing to be led. It follows from this that in order to construct not just a complete history of penal policy, but of any Victorian social institution, it is necessary to take account of those groups and organisations which developed ideas for reform and which brought them to bear on policy. Our models of administrative change must encompass extra-governmental activists and opinion-formers as well as the departments and agents of the state. Put another way, the history of penal servitude between 1853 and 1871 shows the constant influence of the Social Science Association and validates its study.

## CHAPTER 6

### *Victorian socio-medical liberalism: the Social Science Association and state medicine*

By our public and private endeavours we can strive to create out of State Medicine a religion of the State.

W. H. Michael, 'Address on Health', *T.1878*, 115

#### I

William Farr, the doctor, sanitarian, and statistician, was present at the foundation of the Social Science Association at Brougham's house in 1857. He served on its Council, was President of its Public Health Department in 1866, and 'found like-minded men' at the SSA.<sup>1</sup> What Eyler has termed 'Victorian socio-medical liberalism' in relation to Farr, or 'the interplay of three ideas cherished among prominent Victorian professional men: political liberalism, an environmental approach to the understanding of human misery, and a belief that social progress would follow the construction of a positive science of statecraft', captures very well the synthesis of medical reform, social improvement and expertise that characterised the outlook of public health reformers at the SSA.<sup>2</sup> Though largely staffed by doctors, the department never functioned as a forum for the exchange of medical knowledge nor formulated its own 'theory of disease' at a time when controversy over disease causation was at its most intense. Rather, it sought to reform the institutions which influenced public health by legislation, leading the campaign for the improvement of administration which gave rise to the Royal Sanitary Commission in 1869 and subsequent legislation in 1871, 1872, and 1875. This established central supervision of a public health system under the Local Government Board; local health administration for England and Wales; and the consolidation of all public health statutes. It was a bout

<sup>1</sup> John M. Eyler, *Victorian Social Medicine. The Ideas and Methods of William Farr* (London, 1979), 27.

<sup>2</sup> *Ibid.*, 200.



of reform that remained relatively unaltered until the Public Health Act of 1936.

What follows is an attempt to place the SSA in the context of the public health movement and 'Victorian socio-medical liberalism'. To do this it will be necessary to review the nature of the medical profession in mid-century and the approach to public health known as 'state medicine' that the Association embraced. Only then can the specific contributions of the SSA be assessed, and the degree of its influence over policy formation calculated by scrutinising the disparity between the Association's desired reforms and those actually effected.<sup>3</sup> Although many sources acknowledge an unspecified connection between the Social Science Association and the process of Victorian professionalisation, this chapter provides evidence of the links between social reform and strategies for professional advancement. The concluding section examines the Association's demise in the 1880s by focusing on changes in the nature of medical explanation and the refocusing of public health endeavour from central government to the localities. The supersession of the medical-administrative approach of the SSA may be taken to represent the more general decline of the Association's strategies for social reform.

## II

The integrated account of public health at which we are aiming is composed of several interlocking chronologies.<sup>4</sup> Flinn noted two such narratives: 'the familiar story of royal commissions and public health acts; and the less well-known progress of the actual state of the health of the general public'.<sup>5</sup> To these may be added a 'scientific chronology' of the advance in the understanding of diseases – their origin, propagation and treatment – and a 'professional chronology' concerning the socio-political advance of medical practitioners. For the purpose of understanding the functions of the SSA, the first of these narratives, the 'legislative chronology' is the most important, setting the context for the Association's pressure on cabinet, parliament, and the civil service collectively, and individual administrators in particular.

<sup>3</sup> For a general account of the SSA's public health department see Ronald K. Huch, 'The National Association for the Promotion of Social Science: Its Contribution to Victorian Health Reform, 1857–1886', *Albion*, 17 (Fall 1985), 279–99.

<sup>4</sup> Thomas McKeown, 'A Sociological Approach to the History of Medicine', *History of Medicine*, 14 (1970), 342–51.

<sup>5</sup> A. P. Stewart and E. Jenkins, *The Medical and Legal Aspects of Sanitary Reform* (1866) (ed. M. W. Flinn) (Leicester, 1969 edn), 7.

Between 1848 and the late 1870s when the Association curtailed this campaign there were four phases of public health administration: first, the abortive efforts between 1848 and 1854 of the General Board of Health under Chadwick to centralise sanitary reform;<sup>6</sup> a period between 1854 and 1858 when public health was directed by a reconstructed and less powerful General Board; a third phase dominated by Sir John Simon as Medical Officer under the Privy Council; and a final phase from 1871 when the Local Government Board was constituted as the central health authority.<sup>7</sup>

The Social Science Association played no role in the first and second of these phases, though its foundation was a response to the frustration of social reform in the 1850s during which weak governments found their innovations in public health opposed by a combination of rural anti-centralists, metropolitan radicals, and representatives of vested interests.<sup>8</sup> The SSA demonstrated its influence immediately, however, in assisting the passage of the Public Health Acts of 1858 and 1859, which ushered in the third phase under Simon, a decade of specialised medical and environmental research which partially offset the deficiencies of central and local organisations. These deficiencies were made overt by the Sanitary Act of 1866 following the cholera outbreak in 1865–6. Simon later referred to the Act as ‘a stride of advance as virtually to begin a new era’.<sup>9</sup> It created an efficient public health system in principle by extending local powers, introducing central supervision and making the permissible into the obligatory. It was evidence that ‘the sanitary idea’ in the 1860s was beginning to penetrate the official mind and opinion at large.<sup>10</sup> In practice, however, the Act only compounded confusion between competing local authorities which had developed haphazardly and so ‘combined ineffectuality in practice with revolution in principle’.<sup>11</sup> The defects of the legislation served to encourage the most effective extra-parliamentary agitation on public health of the nineteenth century, led by the SSA in

<sup>6</sup> S. E. Finer, *The Life and Times of Sir Edwin Chadwick* (London and New York, 1952), 338–474. W. M. Frazer, *A History of English Public Health* (London, 1950), 44, 114. Sir John Simon, *English Sanitary Institutions Reviewed in their Course of Development and in Some of their Political and Social Relations* (London, 1890), 208–9. Peter Mandler, *Aristocratic Government in the Age of Reform. Whigs and Liberals 1830–1852* (Oxford, 1990), 256–67.

<sup>7</sup> Virginia Berridge, ‘Health and Medicine’ in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain 1750–1950* (3 vols., Cambridge, 1990), III, 192–5.

<sup>8</sup> Royston Lambert, *Sir John Simon, 1816–1904, and English Social Administration* (London, 1963), 241.

<sup>9</sup> Simon, *English Sanitary Institutions*, 297.

<sup>10</sup> A. S. Wohl, *Endangered Lives. Public Health in Victorian Britain* ((1983), London, 1984 edn), 155. Anne Hardy, *Health and Medicine in Britain Since 1860* (Basingstoke, Hants., 2001), 4–5.

<sup>11</sup> O. MacDonagh, *Early Victorian Government 1830–1870* (London, 1977), 157. See also Lambert, *Simon*, 383–91.

alliance with the British Medical Association, which secured the Royal Commission on the Sanitary Acts (1869–71), the succeeding Local Government Board Act of 1871, and the Public Health Acts of 1872 and 1875. The Act of 1875 – ‘the greatest sanitary statute of the nineteenth century’<sup>12</sup> – consolidated the morass of existing legislation in 343 sections and 5 schedules, and included in its scope everything from local government functions and hospitals to markets and slaughterhouses.<sup>13</sup>

Any such simplified narrative as this omits the very real obstacles to public health reform in general and the SSA in particular – in this case, not just the problem of convincing central government of the need for reform, but of overcoming the resistance of the localities, the procrastination and hostility of vested interests, and the sheer confusion of legal and administrative responsibility.<sup>14</sup> The SSA’s Public Health Department was an expert forum in a society that was still largely resistant to the claims of expertise. Aristocratic ministers often ignored its suggestions and, in a politics still based on wealth and connection, did not respect the professional men who claimed precedence on the basis of their knowledge and skills.<sup>15</sup> The entrepreneurial middle classes disliked its intrinsic interventionism and the higher local rates that would follow sanitary reform. A haphazard system of local government was an obstruction to the rationalisation of public health provision. And the fate of the General Board of Health in 1854 was an ever-present reminder to the SSA of the dangers of exceeding both political and public tolerance.

The Association came face to face with sanitary neglect, parsimony, and ignorance at many junctures but never as dramatically as at its 1865 congress in Sheffield. The forces of professional expertise clashed with the indolent city corporation in ‘the great headquarters of industry in steel’,<sup>16</sup> demonstrating thereby that the nineteenth-century administrative class can never be subsumed with businessmen and industrialists into a monolithic Victorian bourgeoisie. In the eyes of the experts Sheffield was a disgrace. It had a long history of violent industrial relations; an appallingly high rate of occupational disease and mortality; a bad record on the employment of children; and showed scant interest

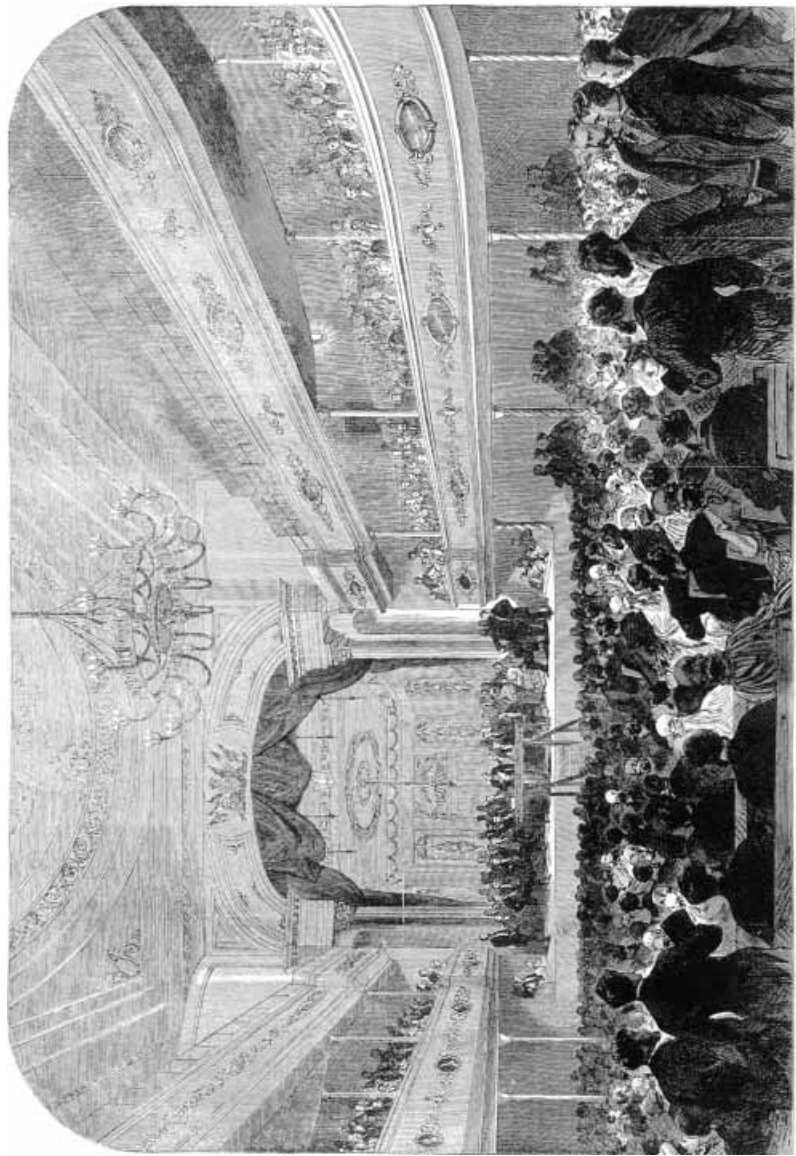
<sup>12</sup> *Ibid.*, 559.

<sup>13</sup> Brian Watkin (ed.), *Documents on Health and Social Services, 1834 to the Present Day* (London, 1975), 49; Frazer, *English Public Health*, 120.

<sup>14</sup> F. B. Smith, *The People’s Health 1830–1910* (London, 1979), 203. Christopher Hamlin, *Public Health and Social Justice in the Age of Chadwick. Britain 1800–1854* (Cambridge, 1998).

<sup>15</sup> Lawrence Goldman, ‘Experts, Investigators and the State in 1860: British Social Scientists through American Eyes’ in M. Lacey and M. Furner (eds.), *The State and Social Investigation in Britain and the United States* (Cambridge, 1993), 112–26.

<sup>16</sup> *The Times*, 4 Oct. 1865, 8.



8. 'Lord Brougham opening the Social Science Congress at Sheffield' (1865).

in the public's health. Just a year before, in 1864, dozens of residents of the city had been killed and hundreds of homes destroyed when the Bradfield reservoir burst, to the shame of both the local Sheffield Water Company and city corporation.<sup>17</sup> E. C. Tufnell, the education inspector, delivered an outspoken paper on child labour at the Sheffield congress, in which he condemned conditions in the local metal trades.<sup>18</sup> A paper by the senior physician of the Sheffield Public Hospital, Dr J. C. Hall, set out the abuses that caused lead poisoning and pulmonary diseases, prompting a call from *The Times* for direct legislative intervention.<sup>19</sup> The architect and builder George Godwin was drawn into furious argument with a city alderman when he called the River Don 'a black ditch'.<sup>20</sup> According to the *Daily News*, 'It appears that there is no medical officer of health in Sheffield, only an inspector of nuisances; and the corporation are more careful about the increase of a farthing in the pound on the rates, than they are about the improvement of the dwellings of the workpeople.'<sup>21</sup> The presence of the Association thrust Sheffield into national prominence and it appeared to be a corrupt mess. Nor was this a lone example of tensions between the Association and civic leaders: as Farr reported to Florence Nightingale after the 1868 congress, 'We did a little good work at Birmingham – and disturbed to a trifling extent the self-satisfaction of the Town Council.'<sup>22</sup>

The Association was sometimes seen to be an extra-parliamentary focus for 'centralisation'. It certainly served as the most important forum for Chadwick's public activism in the long years of his retirement after the debacle of 1854, and he delivered twenty-six papers to it between 1858 and 1882.<sup>23</sup> When Tom Taylor, then Secretary of the General Board of Health, and later Secretary of the Local Government Act Office, read a paper at the first congress 'On Central and Local Action in relation to Town Improvements', his essentially moderate position incited a public riposte from Joshua Toulmin-Smith, founder of the Anti-Centralization Union and self-appointed protector of English liberties, in whose view 'the whole Association was planned and carried out in the sole interests of

<sup>17</sup> *The Times*, 15 March 1864, 7. Pat Thane, 'Government and Society in England and Wales, 1750–1914' in Thompson (ed.), *Cambridge Social History of Britain*, III, 34.

<sup>18</sup> *The Times*, 7 Oct. 1865, 12. <sup>19</sup> *T. 1865*, 382–402. *The Times*, 9 Oct. 1865, 8.

<sup>20</sup> *Daily News*, 7 Oct. 1865, 3. <sup>21</sup> *Ibid.*, 7.

<sup>22</sup> William Farr to Florence Nightingale, 14 Oct. 1868, Florence Nightingale papers, BL, Add. MS 43400, f. 203.

<sup>23</sup> Huch, 'The National Association', 285–6. *Pace* Huch, in view of its reliance on the medical profession and close relations with Simon, it is not the case that the SSA had Chadwick's 'loyal support'. See p. 182 below.

Centralism'.<sup>24</sup> Shaftesbury, president of the Public Health Department at the following congress therefore found it necessary to defend the SSA from the

many persons . . . who think that this Association, more especially in the particular departments of sanitary arrangements and sanitary provisions, is seeking to assume a greater authority than belongs to it; that our object is to promote that to which Englishmen very strongly object, a system of centralization; and that, moreover, we are prepared to assume an attitude, and utter a language that would savour more of dictation than of the course which we are determined to pursue.<sup>25</sup>

'Centralisation' was an untenable position in public, and the SSA consequently developed a dual face, attempting to force rational national administration on the government while bowing to contemporary prejudice in an anodyne approach to its audience.<sup>26</sup>

### III

What was the SSA's role in the *medical* chronology of a period before the advent of bacteriology, and remembered now for intense debate on the cause and transmission of disease, notably as a result of the research of Budd and Snow into the waterborne transmission of cholera which undermined atmospheric, 'miasmatic' theories? It left science to the Epidemiological Society, founded in 1850, and it played no role as a forum for medical research, though it did sponsor investigations into the health of merchant seamen (1858); the registration of births, deaths, and diseases, and quarantine procedures (1859); and the outbreak of cholera in 1865.<sup>27</sup> Individuals inside the department held conflicting opinions on the etiology of disease across the whole range of miasmatic, contagionist, and germ theories of infection, and the frequent conflation of old and new explanations, even by the same individual, prevents identification of clear 'schools of opinion' at any time: as Lambert has pointed out, even Simon's etiological explanation of the 1866 cholera epidemic retained elements

<sup>24</sup> *T.1857*, 473–80. J. Toulmin-Smith, *Local Self-Government Unmystified. A Vindication of Common Sense, Human Nature and Practical Improvement Against the Manifesto of Centralism Put Forth at the Social Science Association, 1857* (London, 1857), 18. See also Toulmin-Smith's letter to *The Times* after the first congress and *The Times*' critical response to him, 21 Oct. 1857, pp. 8–9. In general, see R. J. Lambert, 'Central and Local Relations in Mid-Victorian England. The Local Government Act Office 1858–71', *Victorian Studies*, 6, 2 (1962), 121–50.

<sup>25</sup> *T.1858*, 84. <sup>26</sup> William Cowper, 'Address on Public Health', *T.1859*, 120.

<sup>27</sup> NAPSS, [J. L. Clifford-Smith], *A Manual for the Congress* (London, 1882), 105–39. *T.1865*, xxxii, 374, 413, 415, 468; *T.1872*, xl.

of a miasmatic theory in tandem with aspects of the new waterborne theories.<sup>28</sup> But the confusion in no way compromised an organisation struggling to impose order on administrative chaos: the SSA contributed to that oft-noted historical irony by which pioneer sanitarians did the right thing – the wholesale improvement of the environment – for the wrong reasons.<sup>29</sup>

The period of the SSA's greatest influence coincided with the unique period of nineteenth-century health administration under the inspirational guidance of Sir John Simon, Medical Officer of the Privy Council from 1858 until 1871. Simon was closely associated with the Association. With Farr, he also attended its inaugural meeting at Brougham's house. It was very likely the political pressure applied by the Association in 1858–9 that ensured the survival of Simon's medical officership and gave him the liberty and scope to conduct his investigations into the public health. In May 1858 the SSA delivered a minute to the President of the Board of Health, C. B. Adderley, a founding member of the National Reformatory Union and a constant presence at the SSA into the 1880s, urging 'that the proposed Health Department of the Privy Council should be placed in charge of a permanent medical officer, rather than that medical aid should be procured, as was proposed under the Bill, in a casual manner', and the medical officer, Simon, was duly converted into a permanent official.<sup>30</sup> In 1859, with the Act of 1858 about to expire, and the government seemingly prepared to allow the Privy Council Medical Office and even central responsibility for vaccination (generally accepted by even the most ardent localists) to lapse, the SSA's Council petitioned parliament for its renewal and sent deputations to two of its most influential patrons, Russell and Shaftesbury, to enlist their support. The aim was to make permanent the temporary Act of 1858, and the SSA was successful.<sup>31</sup>

Simon surrounded himself with a remarkable team of young medical talent who conducted research into a range of environmental and occupational factors that contributed to disease. They, and others like them, looked to the SSA as a forum for their results and as an ally

<sup>28</sup> Lambert, *Simon*, 49, 52; Hamlin, *Public Health and Social Justice*, 6–7; Margaret Pelling, *Cholera, Fever and English Medicine 1825–1865* (Oxford, 1978).

<sup>29</sup> Dorothy E. Watkins, 'The English Revolution in Social Medicine 1889–1911' (unpublished PhD thesis, University of London, 1984), 12.

<sup>30</sup> NAPSS [Clifford-Smith], *A Manual for the Congress*, 106. *T.1858*, xxix–xxx.

<sup>31</sup> *T.1859*, xxviii–xxx; *T.1861*, xxxviii. Stanley was also approached: see G. W. Hastings to Lord Stanley, 13 July 1859, Papers of the fifteenth earl of Derby, Non-official correspondence, Liverpool Record Office, 920 (DER) 15.

in the struggle for recognition and support. E. H. Greenhow, Edward Seaton, and John Burdon-Sanderson were contributors to the Social Science Association.<sup>32</sup> Greenhow's epoch-making *Papers Relating to the Sanitary State of the People of England* (1858) with its famous introduction by Simon which is taken to mark the onset of the 'era of State Medicine', was actually presented as an interim report to the first SSA congress before its publication as a 'blue book'.<sup>33</sup> And Greenhow and Arthur Helps of the Privy Council staff appeared in the SSA deputations to Russell and Shaftesbury in 1859; it was hardly surprising that the 'sentiments expressed in the memorials and by the inspectors who spoke or held positions in the SSA correspond[ed] remarkably closely to those of Simon himself'.<sup>34</sup> Indeed the ethos of Simon's stewardship was complementary to the professional rigour prized by participants at the SSA. As he explained later, 'We had to aim at stamping on public hygiene a character of greater exactitude than it had hitherto had.'<sup>35</sup> The alliance was not to all tastes, however. The identification of the SSA with Simon's bureaucracy was criticised not only by opponents of the sanitary idea, but also by those jealous of Simon's success and the consequent influence of the medical profession, most notably Florence Nightingale and Edwin Chadwick.<sup>36</sup>

The SSA made no contribution to the science of disease, therefore, but it endorsed Simon's approach to medical administration, and it held to a conception of the role of medicine within a public health system that contemporaries called 'state medicine'. The term was coined and defined by Henry Rumsey, a doctor in private practice in Cheltenham, who wrote extensively on public health and the state's medical obligations and who was perhaps the dominant figure in the SSA's Public Health Department.<sup>37</sup> He was designated by Simon 'the leading voice in the medical profession's campaign for sanitary reform'.<sup>38</sup> Rumsey

<sup>32</sup> Greenhow gave papers in 1857 and 1862; Seaton in 1857 and 1879; Burdon-Sanderson in 1862 and 1867.

<sup>33</sup> E. Headlam Greenhow, 'Illustrations of the Necessity for a more Analytical Study of the Statistics of Public Health', *Tr* 1857, 365–87. *Papers Relating to the Sanitary State of the People of England*, PP 1857–8, xxiii, 267–478. Lambert, *Simon*, 262.

<sup>34</sup> Lambert, *Simon*, 300n. <sup>35</sup> Simon, *English Sanitary Institutions*, 267, 286.

<sup>36</sup> Chadwick to Nightingale, 13 Aug., 21 Aug., 8 Oct., 14 Oct. 1858; 4 May 1859, Nightingale papers, Add. MS 45770, ff. 35, 52, 65, 97. For Chadwick's hostility to the medical professions see Hamlin, *Public Health and Social Justice*, *passim* and 'Predisposing Causes and Public Health in Early Nineteenth-Century Medical Thought', *Social History of Medicine*, 5 (April 1992), 43–70.

<sup>37</sup> Roy M. Acheson, 'The Origins, Content and Early Development of the Curriculum in State Medicine and Public Health 1856–95' in Stephen Farrow (ed.), *The Public Health Challenge* (London, 1987), 20.

<sup>38</sup> Simon, *English Sanitary Institutions*, 324.



was involved with the SSA from its inception: at the 1857 congress he delivered a long, unpublished paper 'On the Deficiencies of Sanitary Regulation' and seven of his contributions subsequently appeared in the *Transactions* between 1859 and 1871. He was president of the Public Health Department at the second Birmingham congress in 1868. In 1856, in his *Essays on State Medicine* he 'offered a conceptual framework for the creation of a whole new field of medicine'.<sup>39</sup> Rumsey set out an 'Agenda of a State with Regard to Public Health' under the three heads of 'investigation', 'legislation', and 'administration'. 'The state should direct investigation into statistical, topographical and jurisprudential subjects'; it should ensure 'practical arrangements for the personal safety and health of the people, requiring for their enforcement either direct or legislative enactments, or local institutions and regulations'; and it should establish 'an organized machinery... for the administration of existing laws'. Administration was also to include 'the education of medical men'.<sup>40</sup>

State medicine, or 'the application of medical knowledge and skill to the benefit of communities' as Sir Stafford Northcote defined it at the 1869 SSA congress, captured the imagination of mid-Victorian health reformers.<sup>41</sup> It denoted a style of community medicine, as opposed to medical treatment of the individual, which was sanctioned and organised by a state conscious of the importance of public health to national well-being and efficiency. It was particularly concerned with the role of the medical practitioner in the service of the state – as administrator, coroner, forensic expert, and registrar.<sup>42</sup> Emphasis within state medicine changed over time: Rumsey's interest in administrative hierarchies and legalistic codes of procedure, drawn from his knowledge of French and German practice, gave way to Simon's 'pragmatic British alternative' with its attention to sanitation and hygiene.<sup>43</sup> But the existence of a clear conception of a system of public health set out in Rumsey's 'Agenda' and many subsequent treatises on state medicine provided the inspiration for a generation of medical and sanitary reformers and should undermine any simple 'tory' explanation of the development of mid-nineteenth-century health administration as the haphazard efforts of overtaxed and

<sup>39</sup> Roy M. MacLeod, 'The Anatomy of State Medicine: Concept and Application' in F. N. L. Poynter (ed.), *Medicine and Science in the 1860s* (London, 1968), 205–6.

<sup>40</sup> Henry Rumsey, *Essays on State Medicine* (London, 1856). Ch. 1, 'Outline of a Sanitary Code', 6.

<sup>41</sup> *T.1869*, 16.

<sup>42</sup> Henry W. Rumsey, *On State Medicine in Great Britain and Ireland* (London, 1867), 4–5.

<sup>43</sup> MacLeod, 'Anatomy of State Medicine', 208, 218.

unreflective bureaucrats.<sup>44</sup> The great reforms of the 1870s all bore the imprint of the reformers' codes.

Thus, to situate the Association within a medical chronology, if the period between 1848 and 1860 witnessed 'informal efforts by individuals or small networks of medical reformers to give legislative substance to the concept of state medicine', and the generation after the 1875 Public Health Act experienced the actual institutionalisation of a 'state medical bureaucracy', the period of SSA activism, essentially from the late 1850s to 1875, 'saw Simon's efforts to develop state medicine empirically, and the parallel efforts of a network of medical reformers and the British Medical Association to establish state medicine on a sound professional and educational basis'.<sup>45</sup> It is the relationship between state medicine and the position of doctors which invites consideration of the fourth chronology, concerned with the medical profession itself. For state medicine was not just the product of the profession's altruism. It was also a strategy to enhance the political power and reputation of that profession and was dependent on the influence of the Social Science Association.

#### IV

In 1859, the *Contemporary Review* did not rank medicine as equivalent in prestige to a career at the bar, in the military or the church.<sup>46</sup> Yet by the end of the century medicine had achieved much of the social standing it now confers. Mid-Victorian society had doubts about the efficacy of medical treatment and, consequently, the social position of medical men themselves. Before the 1858 Medical Act, the profession appeared as a 'hybrid agglomeration of learned, university-educated physicians, surgeons in transition from an old craft to a new "science", and apothecaries who claimed the practical skills of physic and surgery while drug sales wedded them to trade'.<sup>47</sup> Medicine was itself seen as a trade which made it antipathetic to the values of 'independence' which denoted the 'gentleman'.<sup>48</sup> Most doctors lived on incomes well below the £600 required to maintain the 'paraphernalia of gentility'.<sup>49</sup>

<sup>44</sup> Jennifer Hart, 'Nineteenth Century Social Reform: A Tory Interpretation of History', *Past and Present*, 31 (1965), 39–61.

<sup>45</sup> MacLeod, 'Anatomy of State Medicine', 226–7.

<sup>46</sup> W. J. Reader, *Professional Men. The Rise of the Professional Classes in Nineteenth Century England* (London, 1966), 149–51.

<sup>47</sup> M. Jeanne Peterson, *The Medical Profession in Mid-Victorian London* (Berkeley and Los Angeles, 1978), 38.

<sup>48</sup> *Ibid.*, 197–206.

<sup>49</sup> J. A. Banks, *Prosperity and Parenthood: A Study of Family Planning among the Victorian Middle Classes* (London, 1954), 88, 226.

The Medical Act of 1858 began a social transformation. It conferred statutory recognition and means for self-regulation on a now unified profession after an eighteen-year period which had witnessed the wreck of sixteen separate bills for professional reform – ‘wrecked on the various hazards of disagreement within the profession, the opposition of interests outside the profession, and the change and chance of party politics’.<sup>50</sup> The Act created the ‘registered medical practitioner’ who had satisfied by examination the different criteria of one of nineteen licensing bodies, and the General Council of Medical Education and Registration of the United Kingdom, which regulated the new profession.<sup>51</sup> Though defective in the eyes of many practitioners and medical reformers it ‘went a long way towards establishing the approved pattern of a Victorian profession, whether in medicine or in any other occupation that aspired to equal dignity’.<sup>52</sup> The Act was only the initiation of a campaign for medical prestige, however: it conferred a legal status, but only actual involvement within the structures of the state could bring influence and authority.

A framework for the analysis of this process was laid down by T. H. Marshall in his study of the ‘assimilation’ of the professions into the state via the social services. In long-term perspective, the professions have been ‘socialised’ and the ‘social and public services have been “professionalised”’.<sup>53</sup> Different professional groups have come to rely on the state to gain or sustain their status and authority. State support and regulation have also allowed them to magnify their capacity to assist fellow citizens and live up to their professional ideals. In turn, their absorption by the state has helped raise the calibre of social administration without which the aims of both the profession and the state would be unrealisable. The process is most notable in the history of the medical profession which entered the civil bureaucracy to enhance both its social prestige and capacity to improve public health. Novak constructs such an argument as a contribution to the wider discussion of nineteenth-century administration which, he argues, has neglected the role of ‘professional zeal’ in the development of bureaucracy. In this view, the improved administration

<sup>50</sup> Reader, *Professional Men*, 66.

<sup>51</sup> Carol Varlaam, ‘The 1858 Medical Act. The Origins and the Aftermath’, *Bulletin of the Society for the Social History of Medicine*, 21 (Dec. 1977), 31–3; Christopher Lawrence, *Medicine in the Making of Modern Britain 1700–1920* (London, 1994), 55–7; E. M. Little, *History of the British Medical Association 1832–1932* (London, 1932), 64–5.

<sup>52</sup> Reader, *Professional Men*, 66. See also W. L. Burn, *The Age of Equipoise. A Study of the Mid-Victorian Generation* (1964) (1965 edn, New York), 209.

<sup>53</sup> T. H. Marshall, ‘The Recent History of Professionalism in Relation to Social Structure and Social Policy’ in T. H. Marshall, *Sociology at the Crossroads and Other Essays* (London, 1963), 150–70.

of public health was a product of the activism and political skill of the medical profession. Quite deliberately, the British Medical Association, which was bound up with the SSA in mid-century, sought to enhance its professional status by leading the reform of the public health service so as to increase its role within it.<sup>54</sup> A measure of the strategy's success may be seen in Simon's reflection in 1890 that 'the Medical profession has come to be recognised as an ally of indispensable helpfulness for the State in affairs of both local and general government'.<sup>55</sup> Altruism and professionalism were dual elements of a single strategy and the strategy was pursued by the strident demand, to which the SSA contributed, for a medical monopolisation of public health.<sup>56</sup> In the SSA especial emphasis fell on the campaign to establish in every administrative division of the country a Medical Officer of Health, with full medical training, to control the local public health bureaucracy.

That the demand for a medical monopoly of state medicine was a professional strategy seems undeniable, given the relative failure of the profession in mid-century to actually improve the public's health. Death rates had fallen since the eighteenth century and would fall again after the 1870s, but in the mid-nineteenth century they stagnated.<sup>57</sup> This was inevitable while epidemiology remained so crude and until living and working conditions underwent fundamental improvement in the late nineteenth century. Diseases such as scarlet fever, diphtheria, and tuberculosis could not be eradicated – though their transmission might be limited by environmental improvements – until the advent of a more sophisticated microbiology.<sup>58</sup> The campaign against generalised sanitary neglect, if it created the conditions in which improved medical knowledge could flourish after 1870, could not itself dramatically improve health.<sup>59</sup> The medical profession's claim to priority in public health was dubious at least before the 1880s, and, as such, the attempt to monopolise public health administration did not amount to pressing the unanswerable claims of science – in the 1850s and 1860s science could achieve little – but those of the profession.<sup>60</sup>

The SSA was peculiarly sympathetic to these claims for both specific and general reasons. Specifically, G. W. Hastings was the son of the

<sup>54</sup> S. J. Novak, 'Professionalism and Bureaucracy: English Doctors and the Victorian Public Health Administration', *Journal of Social History* (1973), 443.

<sup>55</sup> Simon, *English Sanitary Institutions*, 463, 476.

<sup>56</sup> E. C. Greenhow and A. Helps, 'Introductory Notice to the Public Health Section', *T.1857*, 356.

<sup>57</sup> B. R. Mitchell, *British Historical Statistics* (Cambridge, 1988), 57–64.

<sup>58</sup> MacDonagh, *Early Victorian Government*, 159; Lambert, *Simon*, 598–602.

<sup>59</sup> Hardy, *Health and Medicine in Britain*, 5. <sup>60</sup> Novak, 'Professionalism and Bureaucracy', 454.

founder of the British Medical Association, Sir Charles Hastings. The BMA was a general practitioners' organisation based in the provinces and hostile to the metropolitan elite of doctors. G. W. Hastings, as a young barrister, was made secretary of its Medical Reform Committee and drafted a series of bills embodying the Association's professional requirements, though none was successful in parliament.<sup>61</sup> Hastings claimed that it was through his friendship with William Cowper, then President of the Board of Health, that the minister agreed 'to take up the question' in 1856 and this 'resulted in the passage of the 1858 Act itself'.<sup>62</sup> In the event, the successful bill was actually drafted by Simon who also enjoyed close relations with Cowper.<sup>63</sup> Sir Charles Hastings, who delivered papers at both the 1857 and 1860 congresses and was President of the Public Health Department in 1864, brought medical men with him to the SSA.<sup>64</sup> Certainly doctors were preponderant in the section: of 559 papers delivered and printed in the *Transactions* between 1857 and 1884, some 255 or 45.5 per cent were by doctors.<sup>65</sup> Although the Department began by using statesmen as presidents – Stanley (1857), Shaftesbury (1858), Cowper (1859), Ebrington (1860), and Lord Talbot (1861) – by the mid-1860s it was led by a string of notable physicians as medical involvement in the Association advanced.<sup>66</sup>

The alliance of the SSA and the medical profession is also indicative of its role as a general forum for the mid-Victorian bourgeoisie. In an analysis linking class status and professionalisation it has been argued that the British medical profession should be seen as the vanguard in a movement for the 'collective social mobility' of the mid-century middle classes.<sup>67</sup> The SSA was an ideal vehicle for this collective class action as an intermediary institution which stood between the public and the institutions of the state. In and through its Public Health Department the medical profession believed it had found an institutional conduit

<sup>61</sup> W. H. McMenemey, *The Life and Times of Sir Charles Hastings, Founder of the BMA* (Edinburgh and London, 1950), 355–6, 359, 431. Paul Vaughan, *Doctors Commons. A Short History of the British Medical Association* (London, 1959), 43. Little, *History of the British Medical Association*, 63. G[eorge] W[ooddyatt] H[astings], 'The Founder of the British Medical Association: Reminiscences of Sir Charles Hastings', *BMJ*, 2 (7 July 1906), 33. [Anon.], 'Historical Sketch of the BMA from its Foundation in 1832 to the Present Time', *BMJ*, 1 (1882), 863–4.

<sup>62</sup> 'Founder of the British Medical Association', 33. <sup>63</sup> Lambert, *Simon*, 462–5.

<sup>64</sup> *BMJ*, 2 (19 Aug. 1882), 323.

<sup>65</sup> These figures are approximations as the profession of the paper-giver is not always clear. All papers including those summarised have been counted but papers merely referred to in the 'summary of proceedings' have been omitted.

<sup>66</sup> Henry W. Rumsey, 'Address on Public Health', *T.1868*, 75–6.

<sup>67</sup> N. and J. Parry, *The Rise of the Medical Profession. A Study of Collective Social Mobility* (London, 1976), 79.

to cabinet policy-makers and a way of achieving positions in the bureaucracy, both necessary in the pursuit of professional status. As one physician explained in discussion in 1873, 'Medical men failed to do the good they would because they had not the power. People had no confidence in their power, but medical men should assert it. This [the SSA] was a general association which would give them more power and enable them to overcome all difficulties.'<sup>68</sup> According to another in the discussion at the British Medical Association's Annual Meeting in Dublin in 1867 which initiated the 'Joint Committee on State Medicine' of the SSA and BMA, in alliance with the Social Science Association, 'we shall be enabled to bring an amount of pressure of an intellectual kind to bear on the Government of the country that will inevitably end in getting things done in the best way'.<sup>69</sup>

## V

The SSA's desired programme remained constant throughout the 1860s and 1870s and was set forth in four resolutions in an 1866 memorial presented to the Duke of Marlborough, the Conservative President of the Privy Council, by a large medical deputation from the Association – the first of many such deputations to ministers over the next decade. It called for the consolidation of public health law; the conversion of permissive enactments into compulsory ones; the rationalisation of the structure of local government, including the appointment of local Medical Officers of Health; and the reorganisation of central administration 'to cause the local authorities to do their duty' under a single ministry for health.<sup>70</sup> Two features of these aims deserve special attention because they became specifically associated with the SSA: emphasis on the role of the Medical Officer of Health and its 'favourite scheme' of county sanitary authorities between centre and periphery.<sup>71</sup>

The county authority was an SSA compromise between the 'tutelage' of central control and the venality and inefficiency of the localities. It also embodied the Association's professional goals since 'the governing idea of size of districts would be furnished by considering each one as of sufficient extent and importance to support first-class officials, devoting their whole time to the duties of their respective offices'.<sup>72</sup> The

<sup>68</sup> *T.1873*, 431. <sup>69</sup> Rumsey, *On State Medicine*, 52.

<sup>70</sup> *T.1866*, xxxix–xli. See also H. W. Rumsey, 'Summary of Certain Principles Proposed as the Basis of Future Sanitary Legislation', *JSS* (1866), 680–1.

<sup>71</sup> *T.1871*, 460. <sup>72</sup> *T.1872*, 325.

symbol for the SSA of the state's recognition of the claims of medicine was the local Medical Officer of Health. Each sanitary authority was to have a medical officer trained in 'state medicine'.<sup>73</sup> The symbolic importance of the Medical Officer can be gauged by the virulence of SSA protests whenever suggestions and enactments failed to recognise the professional status of local medical officials. The Association objected to the Royal Commission's recommendation that poor-law medical officers in rural areas double as health officers; to the provision in the 1872 Public Health Act that medical officers double as inspectors of nuisances; to Stansfeld's use in 1872–3 of an inspectorate with legal rather than medical qualifications.<sup>74</sup> To the SSA, 'an essential condition of success in any sanitary system must be the employment of a certain number of high-class executive officers, devoting their whole time to the discharge of their several duties.'<sup>75</sup> This was the 'professional strategy'.

The political vehicle for this strategy – and one of the most important sanitary pressure groups of the century – was the 'Joint Committee of the Social Science and British Medical Associations on State Medicine and the Organization and Administration of the Sanitary Laws'. It 'comprised an elite of health officers... and virtually every name familiar to the historian of Victorian social medicine'.<sup>76</sup> The Joint Committee was the institutional embodiment of the so-called 'sanitary reawakening' of the mid-1860s, an orchestrated reaction built on popular concern over the cholera epidemic of 1865–6 and the ineffectiveness of the 1866 Sanitary Act.<sup>77</sup> It originated at the annual meeting of the BMA in Dublin in 1867 where Rumsey delivered a paper on 'State Medicine in Great Britain'. G. W. Hastings then suggested, and it was accepted, that the BMA co-operate with the Public Health Department of the SSA.<sup>78</sup> The Joint Committee first met on 1 May 1868.<sup>79</sup> It favoured an enquiry by Royal Commission into the existing public health bureaucracy with a view to its reform.<sup>80</sup> Three weeks later the Committee, headed by six

<sup>73</sup> See the resolutions passed at the 1868 Birmingham congress, *SP* 1868–9, 313.

<sup>74</sup> *T*.1872, 363; 'Report of the Joint Committee on State Medicine', *BMJ*, 2 (1873), 227; Lambert, *Simon*, 508–9.

<sup>75</sup> 'Memorial to the President of the Local Government Board', *SP* 1871–2, 220.

<sup>76</sup> MacLeod, 'Anatomy of State Medicine', 220n. No records of the Joint Committee have survived.

<sup>77</sup> Charles Webster, *The Victorian Public Health Legacy: A Challenge to the Future* (Public Health Alliance, Birmingham, 1990), 12. H. W. Rumsey to E. Chadwick, 22 Sept. 1866, Chadwick papers, University College, London, 1725.

<sup>78</sup> Rumsey, *On State Medicine*, 47. 'History of the Joint Committee on State Medicine', *BMJ*, 1 (17 June 1882), 921. See also *BMJ*, 2 (17 Aug. 1867), 136–7; 2 (7 Sept. 1867), 202–3.

<sup>79</sup> *T*.1867, xl. <sup>80</sup> 'History of the Joint Committee', 922.

MPs, formed a deputation to explain these views to the Lord President of the Council (the duke of Marlborough), the Home Secretary (Gathorne-Hardy), and the President of the Poor Law Board (the earl of Devon).<sup>81</sup> They were successful.

## VI

It is at this point that a precise history of the Joint Committee may be broadened into an analysis of the SSA's influence over government. A recurrent problem in assessing the Association is the difficulty in estimating its influence over the formulation of policy, and a review of the Public Health Department in this context is instructive. The essentially ambivalent position of the Joint Committee at this time – encouraging the government of the day to legislate on public health but disagreeing fundamentally over the nature of that legislation and even co-ordinating opposition to it – demonstrates both the extent of the Association's influence and the nature of its limitations.

The tensions were overt in the Joint Committee's involvement with the Royal Sanitary Commission. Its appointment was solely the work of the Joint Committee and the Committee's chairman, Henry Acland, 'was in frequent communication with the Home Secretary, in reference to the objects and geographical extent of the Inquiry.'<sup>82</sup> According to Hastings, when the Royal Commission was appointed initially under Lord Northbrook, the chairman's first step was to consult the SSA on the procedure of enquiry.<sup>83</sup> The Joint Committee 'arranged a schedule of subjects' which it wanted the Commission to investigate.<sup>84</sup> It was a measure of the Joint Committee's influence that Sir Charles Adderley, the chairman of the reconstructed Commission after the Liberal victory of 1868, came in person to the 1870 congress while the Commission was still sitting, and presided over discussion there on sanitary law and administration.<sup>85</sup> But though the Association might boast that nine out of the twenty-one members of the reconstructed commission were members of the SSA, the Liberal commission was probably less favourable to its point of view than the original Conservative-appointed body. Rumsey, Stewart, and Hastings all lost their places in the recomposition, for example, and the number of doctors was reduced to five, only one of whom,

<sup>81</sup> *T.1867*, xl–xli; *SP 1867–8*, 541. Simon, *English Sanitary Institutions*, 324. See also *BMJ*, 1 (22, 30 May 1868), 513, 541–3.

<sup>82</sup> 'Report of the Joint Committee on State Medicine', *BMJ*, 2 (21 Aug. 1869), 225.

<sup>83</sup> *BMJ*, 1 (1 June 1872), 586. <sup>84</sup> *SP 1868–9*, 672. <sup>85</sup> *T.1870*, 412.



Acland, the Regius Professor of Medicine at Oxford, was a leading figure in the public health movement.<sup>86</sup>

The Royal Commission never met the expectations of the Joint Committee. The 'Conservative' Commission of 1868 had ignored the directive to include consideration of the registration and coroners' systems.<sup>87</sup> Then, when the Liberal Home Secretary, H. A. Bruce, who was closely associated with the SSA, reappointed the Commission in April 1869, he reduced its geographical scope, eliminating Ireland, Scotland, and London from its consideration. It was to investigate, in England and Wales only, the operation and administration of the sanitary laws, the constitution and areas of health authorities, and certification of death. The Commission was also hampered by Treasury opposition that translated into a lack of the funds necessary for local investigation. The Chancellor of the Exchequer, Lowe, was a personal friend and sanitary ally of Simon, and believed that Simon's own department could undertake the research at less expense.<sup>88</sup> Although the Commission gathered information by correspondence and examined nearly a hundred witnesses, it made no informed assessment of sanitary provision or the state of public health. The famous survey conducted by Alexander Stewart, a doctor, and Edward Jenkins, an MP, in 1866, and first delivered as papers at the SSA, probably contained more hard information than the Commission's Report.<sup>89</sup> In mitigation, the Commission was less interested in the present than in laying down a framework for the future.<sup>90</sup>

The Commission recommended the consolidation of sanitary legislation which was now to become imperative rather than permissive; the construction of a single ministry with dual responsibility for public health and poor-law functions; and the centralisation of sanitary powers in towns and counties in one fully responsible local authority. Where this did not already exist, it should be the local Board of Guardians. A Medical Officer of Health was to direct this local bureaucracy; in rural districts, the functions of the medical officer and poor-law medical service could be

<sup>86</sup> *T1868*, xxxvi. M. W. Flinn, 'Introduction' in Alexander P. Stewart and Edward Jenkins, *The Medical and Legal Aspects of Sanitary Reform* (1866) (Leicester, 1969 edn), 22.

<sup>87</sup> *SP 1868-9*, 672-3. <sup>88</sup> Lambert, *Simon*, 448; *T1873*, 430.

<sup>89</sup> E. Jenkins, 'The Legal Aspect of Sanitary Reform'; A. P. Stewart, 'On the Results of Permissive Legislation', *T1866*, 478-94, 494-569. The papers were published as *The Medical and Legal Aspects of Sanitary Reform* (1866).

<sup>90</sup> Lambert, *Simon*, 503-4. Royal Commission to Inquire into the Operation of the Sanitary Laws in England and Wales, First Report and Evidence, *PP 1868-9*, xxxii, 301-785. Second Report, vol. 1, *PP 1871*, xxxv, 1-183.

combined in a single person.<sup>91</sup> The Joint Committee could only muster 'cordial approval' for the Report. It criticised the failure to make the proposed local bodies uniform and the Commission's outright rejection of the SSA's favoured scheme of intermediate authorities – county boards. Above all, the SSA deprecated the limited view taken of the role of local Medical Officers of Health, baulking at the idea that their duties might be discharged by 'young men entering on practise', doctors performing private and public functions simultaneously, or, in rural areas, poor-law medical officers.<sup>92</sup> For the medical profession in general, and the Joint Committee in particular, public recognition of the high professional status of the Medical Officer of Health was a fundamental requirement of any reform.<sup>93</sup> The Commission's failure to do this and to empower local medical officers became a major issue between the SSA and the medical profession on one side and successive governments on the other.

Given that the Commission set out the basic principles of the legislation that followed, these fundamental disagreements made it inevitable that the SSA would be at odds with many of the reforms.<sup>94</sup> The provisions of the Public Health Act of 1872 could only antagonise the Joint Committee, not least because its members received a contentious and confused bill in place of the legislative consolidation they believed should come first.<sup>95</sup> Hastings complained at the congress that 'the Act could have been made wider, wiser and more effective'.<sup>96</sup> It divided England and Wales into urban and rural sanitary districts, the urban authorities to be the town councils or Local Boards of Health, and the rural authorities the Boards of Guardians. The option of county authorities was rejected, and in the view of the Joint Committee, the urban–rural division, in place of unitary authorities nationwide, would only perpetuate confusion.<sup>97</sup> Adding insult to injury, the medical officer's duties could be performed by a poor-law medical officer. Stansfeld also ignored the Commission's recommendations that the central authorities should have control over

<sup>91</sup> Frazer, *English Public Health*, 115–16; Sir Arthur MacNalty, *The History of State Medicine in England* (London, 1948), 41; Lambert, *Simon*, 507–9.

<sup>92</sup> 'Report of the Joint Committee... on the Report of the Royal Sanitary Commission', *T.1871*, 459–62. Hugh John, 'The Medical Officer of Health: Past, Present and Future', in Farrow (ed.), *The Public Health Challenge*, 68–9. Webster is correct to emphasise the rhetorical commitment to 'scientific expertise' expressed by the Sanitary Commission but medical experts did not see its recommendations as according them full professional status and authority. Webster, *The Victorian Public Health Legacy*, 15.

<sup>93</sup> Watkins, 'The English Revolution in Social Medicine', 32–4, 43.

<sup>94</sup> Simon, *English Sanitary Institutions*, 344; *SP 1871–2*, 252. Huch, 'The National Association', 297.

<sup>95</sup> *Daily News*, 14 Sept. 1872, 2. <sup>96</sup> *Western Daily Mercury*, 19 Sept. 1872, 3.

<sup>97</sup> 'Memorial to the President of the Local Government Board', 8 April 1872, *SP 1871–2*, 219.

the appointment and dismissal of the medical officers and should define their conditions of service.<sup>98</sup> Even the clauses of the Act which permitted local authorities (most of which were too small to merit a medical officer themselves) to combine to make such appointments were vague and without the necessary guidelines.

Medical Officers of Health thus found themselves in 1872–3 without security of tenure, clear central direction, or uniform conditions of appointment.<sup>99</sup> Because Stansfeld refused to enforce the provision in the 1872 Act which required that full-time medical officers be assigned to each district, physicians were hired on a part-time basis, or the duties of sanitary regulation were passed on to the poor-law medical service.<sup>100</sup> The 1872 Act was seen as a deliberate denigration of the professional aspirations of the Joint Committee and its opposition was outright:<sup>101</sup> ‘nothing . . . could be done until the legislation of the session of 1872 had been entirely swept from the statute book’.<sup>102</sup>

The Public Health Act of 1875, which consolidated twenty-nine statutes passed over a generation, was greeted with guarded approval by the Association.<sup>103</sup> But the administrative results of the 1871 Local Government Board Act which consolidated the central administration of public health, joining together in one department control of state medicine and the poor law, could only antagonise the Joint Committee further as it became clear that influence had passed to the poor-law officials.<sup>104</sup> John Lambert of the old Poor Law Board, rather than Simon, was made Permanent Secretary; medical specialists were subordinated to the lay secretariat; Simon lost the power to issue his own annual reports and was effectively ignored by Stansfeld. Indeed the minister was inclined to heed the anti-medical prejudices of Chadwick and Nightingale, perhaps under the influence of the anti-Contagious Diseases Acts campaign, with which Stansfeld was in strong sympathy.<sup>105</sup> According to Playfair in his address at the 1874 SSA congress, ‘The Privy Council handed over to [the Local Government Board] Dr Simon and his associates, with a wealth of medical experience on public hygiene. Ever since, that wealth has been locked away from public use.’<sup>106</sup> Simon, who resigned in

<sup>98</sup> Lambert, *Simon*, 515; *T.1872*, 362. *T.1873*, 493.

<sup>99</sup> Simon, *English Sanitary Institutions*, 355–6.

<sup>100</sup> Novak, ‘Professionalism and Bureaucracy’, 452; Lyon Playfair, ‘Address on Public Health’, *T.1874*, 98.

<sup>101</sup> *T.1872*, 374–5. <sup>102</sup> *T.1872*, 330. <sup>103</sup> *T.1875*, 612.

<sup>104</sup> Simon, *English Sanitary Institutions*, 355–7; Wohl, *Endangered Lives*, 159.

<sup>105</sup> Lambert, *Simon*, 522–3. K. T. Hoppen, *The Mid-Victorian Generation 1846–1886* (Oxford, 1998), 111.

<sup>106</sup> *T.1874*, 97.

1876, called it 'a policy of retreat'.<sup>107</sup> As has been pointed out, however, it was not so much the policy that was wrong as the parsimony of the Treasury, which for a generation thereafter limited the ambitions and achievements of the central medical bureaucracy.<sup>108</sup> Recent research has revised Simon's pessimism in another way, and argued that the eclipse of state medicine at the centre was balanced by the routine, unheroic, but vitally necessary work of medical officers of health at the periphery in subsequent years.<sup>109</sup> Eventually, in 1888, the Local Government Act of that year created county medical officers.

The legislation of the early 1870s has been acclaimed for establishing the framework within which late-Victorian public health demonstrably improved.<sup>110</sup> The SSA deserves recognition for its role in helping to establish this framework, but its criticisms of the legislation and strong opinion that a more effective system could have been introduced at this juncture may encourage a more cautious appraisal of these administrative changes. Reform had come and improved the administration of the public health, yet it was not the sort of reform which the medical lobby and the SSA had wanted. To some extent this was inevitable: as the Association began to perceive in the 1870s, the only means to the full adoption of its programme was a total reform of local government. As Stansfeld told a deputation from the SSA, including eleven MPs, in April 1872, 'He had to consider these matters not only from the point of view as to what might be the best possible scheme to propose, but he had also to consider existing institutions, and the manner in which schemes were likely to be received by them.'<sup>111</sup> Because of the incoherence of local government, in the view of the *British Medical Journal*, the 1872 Act was

an elaborate system of local puppets and central wire-pullers, the virtue of which consists in its offering a way of escape, on the recommendation of her Majesty's Government, from grappling with a very large and complicated subject, which is nothing less than the future local government of England and Wales.<sup>112</sup>

<sup>107</sup> Simon, *English Sanitary Institutions*, 392; Lambert, *Sir John Simon*, 544; John Simon, *Personal Recollections of Sir John Simon*, K.C.B. (printed privately, [London], 1894), 23.

<sup>108</sup> Roy M. MacLeod, 'The Frustration of State Medicine 1880-1899', *Medical History*, 11 (1967), 15-40.

<sup>109</sup> Watkins, 'The English Revolution in Social Medicine 1889-1911', 9-10, 23.

<sup>110</sup> Flinn, 'Introduction' in Stewart and Jenkins, *The Medical and Legal Aspects of Sanitary Reform*, 22-4; Simon Szreter, 'The Importance of Social Intervention in Britain's Mortality Decline c. 1850-1914: A Re-interpretation of the Role of Public Health', *Social History of Medicine*, 1 (April 1988), 24.

<sup>111</sup> *SP* 1871-2, 252. <sup>112</sup> *BMJ*, 2 (27 July 1872), 99-100.

Even the Royal Commission acknowledged that sanitary reform and state medicine were 'part of a still larger subject, namely the entire system of local government throughout the country'.<sup>113</sup> The record of a decade's involvement in public health reform thus provides further evidence for the general conclusion that the greatest obstacle to effective mid-Victorian social policies was the unreformed confusion of local institutions.<sup>114</sup>

## VII

The narrative of this involvement in the processes of reform also provides evidence of the SSA's attempted organisation of political opinion. To transmit medical pressure to the policy-makers, the Joint Committee constructed its own parliamentary lobby. Individual politicians had often done the Association's bidding – witness Shaftesbury and Russell's assistance in 1859 – but by the early 1870s the Joint Committee had a cadre of its own spokesmen in the House of Commons amongst whom Lyon Playfair, Frederick Corrance, Sir Michael Hicks Beach, and William Rathbone were the most prominent. The manoeuvres around the 1872 Public Health Act provide an excellent case-study of this lobby at work.

When it became clear that the 1872 bill, as introduced in the House, was radically unsatisfactory, the Joint Committee organised a 'Parliamentary sub-Committee on State Medicine of the British Medical and Social Science Associations' to concert opposition.<sup>115</sup> A meeting of this sub-committee, held at the Adelphi on 21 March 1872, included the following MPs: Lord Eustace Cecil, Lord Mahon, U. J. Kay-Shuttleworth, Spencer Walpole, Samuel Morley, Henry Eaton, William Bromley Davenport, James Figgins, Alexander Brown, Frederick Corrance, William Torrens, George Ridley, Sir Michael Hicks-Beach, William Charley, James Lowther, and John Whitwell.<sup>116</sup> Out of sixteen, nine were Conservatives and six Liberals, with one MP, Davenport, designated a 'Liberal-Conservative'. Though mid-Victorian Liberal administrations generally had a better record in protecting the public's

<sup>113</sup> Second Report of the Royal Sanitary Commission, 16.

<sup>114</sup> J. Vincent, *The Formation of the British Liberal Party 1857–1868* (1966, 1972 edn, Harmondsworth), 278; J. Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (New Haven and London, 1993), 203–7.

<sup>115</sup> Joseph Rogers, 'Chaos as Exemplified in Central and Local Sanitary Administration', *BMJ*, 2 (1876), 266. Rogers was Medical Officer of the notorious Strand Workhouse in the 1860s.

<sup>116</sup> *BMJ*, 1 (23 March 1872), 323.

health than Conservative ministries, this confirms that public health was non-partisan: the presence on the same committee of Samuel Morley, the leading representative of the dissenting conscience of Liberalism, and also a scion of the Cecils may be suggestive.<sup>117</sup> The committee was concerned with the tactics of opposition: on this occasion, 'The Meeting resolved . . . that an interview with Mr. Stansfeld should be sought before it should be decided whether the opposition of the Associations . . . should be given to the [1872] Bill on the second reading, or whether amendments should be moved in committee.'<sup>118</sup> For the next month the parliamentary sub-committee, in the guise of Hastings, Rumsey, W. H. Michael, A. P. Stewart, Edward Jenkins, Joseph Rogers, and Ernest Hart (editor of the *British Medical Journal*), was 'occupied in concert with members of the House of Commons in considering how to shape amendments.'<sup>119</sup> The committee had two strategies, drawing up a series of amendments for immediate transformation of Stansfeld's bill, and composing the draft of an ideal statute.<sup>120</sup> In the event, opposition was first dropped for fear that in amending Stansfeld's imperfect bill they would jeopardise the prospects of any reform at all,<sup>121</sup> and then resumed when the minister mutilated the bill of even its saving graces concerning the medical officers of health, although to no avail.<sup>122</sup> The Report of the Joint Committee adopted at the annual meeting of the BMA in 1872 considered 'that the medical profession is under much obligation to those members of Parliament who exerted themselves to effect such amendments in the Bill as would have made it more worthy of the support of sanitary reformers', and it singled out for special praise Lyon Playfair, Donald Dalrymple, Dr William Brewer and Dr John Alfred Lush (Liberals); and Frederick Corrance, Lord Robert Montagu, Sir Michael Hicks Beach, George Ward Hunt, and Gabriel Goldney (Conservatives).<sup>123</sup> Of these, Lyon Playfair was the most assiduous.<sup>124</sup>

The Social Science Association was remarkably successful at initiating reform but was unable to direct the process once government acknowledged its responsibilities. It was unable to stamp the legislation between 1871 and 1875 with the full character of state medicine. In regard to public health the SSA could suggest but not control reform,<sup>125</sup> and if

<sup>117</sup> Vincent, *Formation of the Liberal Party*, 274; Lambert, *Simon*, 410–12.

<sup>118</sup> *BMJ*, 1 (1872), 323.

<sup>119</sup> *Ibid.*, 425.

<sup>120</sup> *Ibid.*, 426.

<sup>121</sup> *Ibid.*, 449.

<sup>122</sup> *Ibid.*, ii, 99. Under Stansfeld's first bill, the Medical Officer of Health was under the control of the Local Government Board. In the amended bill, the Local Government Board had control only if the local authority had exercised the option of using central funds for sanitary improvement.

<sup>123</sup> *BMJ*, 2 (17 Aug. 1872), 189.

<sup>124</sup> *Ibid.*, 426.

<sup>125</sup> *Ibid.*, 2 (1872), 190.

the Association could not control parliament, it was even more adrift in influencing the civil service. The legislation of 1871 and 1872 left the real provision of a public health system to the minister and his officials,<sup>126</sup> and the SSA had less influence over an increasingly 'closed' bureaucracy as the century progressed than it was able to wield over a political class increasingly open to the pressures of popular politics in the 1860s. If the bureaucrat were sympathetic – indeed, if he were actually a founding member of the SSA like Simon – then the Association and the medical profession could expect some success. If the bureaucrat were like John Lambert of the poor-law service, however – punctilious, officious, and Whitehall-oriented – then the SSA was ineffective. The Association was an alternative parliament constructing legislative programmes and lobbying at Westminster: it was less successful when policy-making moved from the debating chamber into the departments of state.

## VIII

From the mid-1870s the Public Health Department, along with the rest of the Association, was in decline. This coincided with the end of the 'heroic age' of state medicine as central government assumed a supervisory role on its own terms and as a generation of reformers expired: Rumsey died in 1876; Stewart and Farr in 1883.<sup>127</sup> The Department, and indeed the Association, were also victims of their partial success. The section had worked for two decades to create an integrated system of public health, and, following the reforms of the early 1870s, whatever their limitations, there was no need for an organisation like the Joint Committee. Partial reform forced it into involuntary liquidation. In 1879 the Joint Committee ceased lobbying; in 1880 it had nothing to occupy it,<sup>128</sup> by 1881 it had declined into silence.

By the 1880s the nature of prevention in public health was also changing under the influence of new microbiological discoveries of the causes of disease. In the late 1870s and early 1880s Neisser discovered the relation of the gonococcus to gonorrhea, Koch identified the tubercle and comma bacilli (tuberculosis and cholera), and Nicolaier the tetanus bacillus.<sup>129</sup>

<sup>126</sup> Lambert, *Simon*, 517.

<sup>127</sup> MacLeod, 'Anatomy of State Medicine', 227; Lambert, *Simon*, 577.

<sup>128</sup> *BMJ*, 2 (1880), 298.

<sup>129</sup> J. K. Crellin, 'The Dawn of the Germ Theory: Particles, Infection and Biology' in Poynter (ed.), *Medicine and Science*, 57–76. C. Hamlin, 'Politics and Germ Theories in Victorian Britain: The Metropolitan Water Commissions of 1867–9 and 1892–3' in Roy M. MacLeod (ed.), *Government and Expertise: Specialists, Administrators and Professionals, 1860–1919* (Cambridge, 1988), 122.

The advent of the germ theory (Chadwick had referred to it at the SSA in 1872 as ‘hypothesis and imaginations’<sup>130</sup>) did not imply that the concerns of the previous generation were misplaced, but did encourage a gradual change of focus among the medical profession from broad environmental factors contributing to disease towards laboratory research and individual case treatment. When Lord Stanley, a politician, defined ‘sanitary science’ in 1857 as

that science which deals with the preservation of health and prevention of disease in reference to the entire community, as contradistinguished from medical science in the ordinary acceptation of the term, which latter study has for its aim the restoration of health when lost, and deals with the case of each individual separately<sup>131</sup>

he set the style for a generation of sanitary reform at the central level which ended in the late 1870s. Although there had been some real sanitary advances before 1850, and although ‘sanitarism’ was still effective after the advent of bacteriology in the later years of the century – indeed, in many ways the public health reforms of the period from 1875 were the most remarkable of the whole century – the nature of health care began to change from the 1880s.

That change was recognised, if hailed somewhat prematurely, at the Social Science Association.<sup>132</sup> The departmental address at the 1881 Dublin congress by Sir Charles Cameron MD, who was also a radical Liberal MP for Glasgow, was consciously delivered as the obituary for the Department. Its subject was ‘the light recent discoveries cast upon the nature of virulent and infectious maladies’<sup>133</sup> and it was therefore concerned with the scientific research of Lister, Pasteur, Koch, and Klein. According to Cameron,

it is all very well for us here to discuss the administrative phases of public sanitation. Administration, when intelligent and active administration can be secured, is capable of much. There is much which enlightened legislation may still effect . . . [but] . . . the law in such matters can only follow in the wake of science, and for its effective operation must everywhere depend on the diffusion of correct and exact ideas as to the cause of diseases and the modes of preserving health.

<sup>130</sup> *SP* 1871–2, 306.      <sup>131</sup> *T*.1857, 44.

<sup>132</sup> Pelling, *Cholera, Fever and English Medicine*, 297; Lawrence, *Medicine in the Making of Modern Britain*, 72–6.

<sup>133</sup> *T*.1881, 70.



The era in which the Association, with its distinctive legislative and administrative focus, had led the public health movement had ended:

Every year's experience, therefore, convinces me . . . that it is to the spread of scientific knowledge rather than to Parliament that we must look for the full development of preventive medicine: that to the physician, rather than the statesman, we must appeal – 'To stand between the living and the dead, and stay the plague.'<sup>134</sup>

In Cameron's idealised view the doctor no longer required a place in the bureaucracy to buttress professional authority. Influence was now assured through scientific knowledge and the expected medical successes which were supposed to follow.

Cameron's address was prescient, certainly, but over-optimistic. On the one hand, the new microbiological knowledge did not revolutionise medical practice and treatment during the next generation. New treatments and preventive agents were developed relatively slowly and made only marginal impact on overall public health, though advances in surgery using anaesthesia and antiseptics were notable and important in this period.<sup>135</sup> And on the other hand, the late nineteenth century was an era of continued broadscale environmental reform during which local investment in public works and sanitation on the part of many towns and cities, new and improved housing, and the endeavour and enthusiasm of local medical officers of health together made the most significant impact on death and disease of the whole of the nineteenth century.<sup>136</sup> If the central administration of public health was constrained by the dead hand of the Treasury, and if, in the view of the SSA, the best form of professional leadership had not been recognised in the legislation of the 1870s, nevertheless local activism and civic pride were together combining to improve the public's health.

<sup>134</sup> Ibid., 87–8. <sup>135</sup> Hardy, *Health and Medicine in Britain*, 26–8;

<sup>136</sup> On the general significance of late-Victorian local action, see Simon Szreter, *Fertility, Class and Gender in Britain, 1860–1940* (Cambridge, 1996), 190–203 and 'The Importance of Social Intervention', esp. 22, 35. See also Elizabeth Fee and Dorothy Porter, 'Public Health, Preventive Medicine and Professionalization: England and America in the Nineteenth Century' in Andrew Wear (ed.), *Medicine in Society. Historical Essays* (Cambridge, 1992), 264. On the continued relevance of Medical Officers of Health, see Anne Hardy, *The Epidemic Streets. Infectious Disease and the Rise of Preventive Medicine, 1856–1900* (Oxford, 1993), 4–5, 293–4 and 'Public Health and The Expert: The London Medical Officers of Health, 1856–1900' in Roy M. MacLeod (ed.), *Government and Expertise: Specialists, Administrators and Professionals, 1860–1919* (Cambridge, 1988), 128–42. On the significance of improved housing, see Robert Millward and Frances A. Bell, 'Economic Factors in the Decline of Mortality in Late-Nineteenth Century Britain', *European Review of Economic History* (2 Dec. 1998), 263–88.

William Farr's multiple interests as physician, statistician, and social investigator may stand for the SSA's Public Health Department as a whole. Eyler has shown how Farr's approach to public health – the synthesis of community medicine, statistical method, and political liberalism – began to disintegrate in the late nineteenth century. Bacteriology rendered superfluous his repeated efforts following each of the mid-century outbreaks of cholera to produce a 'statistical law of epidemics' that could relate mortality and the cause and progress of infection to some human or environmental characteristic such as age, gender, location, or social condition.<sup>137</sup> The 'science of statistics' was itself changing as sophisticated mathematical techniques were developed and statistics became a tool of social analysis, not a science of social reform in itself.<sup>138</sup> And the 'decline of Victorian liberalism made solutions to social and economic problems such as Farr's, seem increasingly antique'.<sup>139</sup> Farr died in 1883, and the Social Science Association, holding its last congress a year later, was dead by 1886: with them went 'Victorian socio-medical liberalism'. The Association did not die simply because its membership fell away, its finances decayed, and fewer people of note attended its congresses: these things occurred because the socio-political and medical outlook it represented – a unity of social science, reform, and politics which had prevailed for a generation – was superseded by a new configuration. For growing numbers of the medical profession, biological science and its application to individual patients now seemed to promise more than schemes of administrative reform. Local initiatives took the place of national campaigns, and town halls rather than parliament were the focus of reformers' attention. The 'era of state medicine' was giving way to the so-called 'era of preventive medicine'.<sup>140</sup>

<sup>137</sup> John M. Eyler, 'William Farr on the Cholera: The Sanitarian's Disease Theory and the Statistician's Method', *Journal of the History of Medicine*, 28 (1973), 79–100 and *Victorian Social Medicine*, 197.

<sup>138</sup> J. Bonar and H. W. Macrosty, *Annals of the Royal Statistical Society 1834–1934* (London, 1934), 122.

<sup>139</sup> Eyler, *Victorian Social Medicine*, 201. Lawrence Goldman, 'Statistics and the Science of Society in Early Victorian Britain: An Intellectual Context for the General Register Office', *Social History of Medicine*, 4, 3 (1991), 431–2.

<sup>140</sup> Fee and Porter, 'Public Health, Preventive Medicine and Professionalization', 264.

## CHAPTER 7

### *Labour and capital: the Social Science Association, trade unionism, and industrial harmony*

#### I

The legitimacy and place in society of trade unionism became a compelling issue in the third quarter of the nineteenth century as the law, economic theory, business practice, and the political system were obliged to accommodate the development of large-scale craft-based trade unions. The mid-century social 'equipoise' encouraged a more moderate approach to working-class institutions of all types: the SSA was itself taken to represent a new age of class harmony.<sup>1</sup> The acceleration of popular politics in the 1850s and the extension of the franchise in the 1860s forced both parties to acknowledge the existence of a politically conscious section of the working class, largely associated with trade unionism, and compete for its votes. For their part, unions developed sound internal organisation and finance and institutionalised themselves at local and national levels through the development of trades' councils and the Trades Union Congress. In complex social and political interactions the substantive legal and political achievements of the unions were gained with the acquiescence, if not enthusiastic support, of both political parties. In the process, however, trade unions were encouraged to accept dominant social and economic values. The Social Science Association was prepared to recognise the advance of trade unionism, but it sought leave, in recompense, to impose on the unions a series of expedients for industrial harmony calculated to limit their functions and influence. Having seemed to adopt an unorthodox and progressive approach to the labour question in its first years, the SSA thereby lost the confidence of the working class. Indeed, its inadequate representation of the unions' position and perceived bias led to the foundations of the TUC itself. In sum,

<sup>1</sup> Eileen Yeo, 'Social Science and Social Change: A Social History of Some Aspects of Social Science and Social Investigation in Britain, 1830–1890' (unpublished DPhil thesis, University of Sussex, 1972), 262.

the Association reflected very accurately the essential ambivalence of the middle classes towards an emergent labour movement.

The argument made recently for an essential continuity in Victorian labour history and a relatively smooth transition from the radicalism of the 1840s to the liberal reformism of the 1860s does not seem to be supported by evidence drawn from the Social Science Association.<sup>2</sup> An apparently accommodating approach to organised labour in the late 1850s, summed in its famous investigation, *Trades' Societies and Strikes* (1860), was taken by contemporaries as evidence that the labour question and class relations in general had entered a new and distinctive phase. Meanwhile, opposition from trade unions to the various industrial palliatives sponsored by the Association and resentment at their exclusion from the SSA's *Transactions* led to the withdrawal of working-class representatives and to their separate organisation – evidence of continuing tensions between the classes even during the 'Age of Equipoise' and of a determination to preserve working-class independence.<sup>3</sup> The story of class relations in the SSA presented here cannot be understood unless this period is taken as discrete; as compared with the preceding generation of the 1830s and 1840s, it encouraged different types of class interaction that were recognised as such by all the parties to them. Nor does the story suggest the easy incorporation of the organised working class into a milieu of liberal reformism.<sup>4</sup>

## II

The familiar history of organised labour between 1850 and 1880 is of successive initiatives to strengthen the position in the civil and criminal law of the 'amalgamated societies' such as the United Society of Boilermakers and the Amalgamated Society of Engineers – the Webbs' so-called 'New Model Unions' – whose leaders came to put their case at the SSA. Before 1871 trade unions were effectively outside the law, the courts arguing that they had no power to adjudicate in intra-union affairs. While this suited organisations with a natural aversion to the state,

<sup>2</sup> E. F. Biagini and A. Reid, 'Introduction' in E. F. Biagini and A. Reid (eds.), *Currents of Radicalism. Popular Radicalism, Organised Labour and Party Politics in Britain 1850–1914* (Cambridge, 1991), 1–5. For discussion of their view see Jon Lawrence, *Speaking for the People. Party, Language and Popular Politics in England, 1867–1914* (Cambridge, 1998), 46–7.

<sup>3</sup> Neville Kirk, *The Growth of Working Class Reformism in Mid-Victorian England* (Urbana, Ill., 1985), 166, 301, 352.

<sup>4</sup> For a clear and helpful review of issues in recent mid-Victorian labour historiography, see Neville Kirk, *Change, Continuity and Class. Labour in British Society 1850–1920* (Manchester, 1998), 1–140.

and while it made civil proceedings against trade unions extremely difficult, the protection of union funds was precarious. The various moves to secure this, starting with unions' use of the 1855 Friendly Societies Act, the presentation of the unions' case to the Royal Commission on Trades Unions 1867–9, and the trade union legislation of 1871 and 1875–6, thus derived from two principal sources: the insecurity of unions' legal status, and the desire, especially strong among intellectual friends of the labour movement, to achieve full civil recognition and acceptance for them.<sup>5</sup> The process culminated in the Trade Union Act Amendment Act (1876) which defined a union as 'any combination, whether temporary or permanent, for regulating the relations between workmen and masters', whether or not 'some one or more of its purposes [was] in restraint of trade'.<sup>6</sup>

Acceptance by public opinion was also secured. Unions had faced widespread prejudice over their role and function. The case against their existence was standardised: they coerced and intimidated other workers; resorted to violence; were led by professional agitators; reduced industrial competitiveness through restrictive practices, and were superfluous in wage bargaining as rates were held to depend on the mechanisms of the market alone.<sup>7</sup> It is in this broader context of the unions' campaign for social acceptance that the Social Science Association should be placed as a forum for debate on the relations of labour and capital in a period that witnessed the origins of a formal system of industrial relations.<sup>8</sup> The SSA's influence over trade union law, at least in comparison with its qualified successes in education, health, and penal policy, was less pronounced and of a different order. The settlement of the trade union question in the legislation of the 1870s was determined by the Home Office in conformity with long-held departmental principles that owed little to public discussion of the subject and nothing at all to the lobbying of employers and their organisations. Hence the SSA's influence in government was projected over the longer term through its most important and original contribution to the mid-Victorian labour question, its volume of

<sup>5</sup> Mark Curthoys, 'Trade Union Legislation, 1871–6: Government Responses to the Development of Organised Labour' (unpublished DPhil thesis, University of Oxford, 1988), 103–4, 445–6.

<sup>6</sup> Bill to Amend the Trade Union Act 1871, *PP* 1876, vii, 278. W. H. Fraser, *Trade Unions and Society: The Struggle for Acceptance 1850–1880* (London, 1974), 196. See also Royden Harrison, *Before the Socialists: Studies in Labour and Politics 1861–1881* (London, 1965); A. E. Musson, *British Trade Unions 1800–1875* (London, 1972); S. and B. Webb, *The History of British Trade Unions* (London, 1894, 1911 edn); Curthoys, 'Trade Union Legislation, 1871–6', *passim*.

<sup>7</sup> F. Hill, 'Measures for Putting an End to the Abuses of Trades Unions', *SP* 1867–8, 18–32.

<sup>8</sup> Fraser, *Trade Unions and Society*, 13.

research into trade unions, *Trades' Societies and Strikes*, published in 1860.<sup>9</sup> The evidence here that unions had already established themselves as permanent institutions in many industries and that many strikes were demonstrably successful, despite the contrary doctrines of classical political economy, influenced Home Office policy as laid down in the 1867 'Memorandum on Combinations' by the legal counsel, Henry Thring. Following *Trades' Societies and Strikes*, Thring took an essentially empirical approach to the labour question, in contrast to the deductivism of those who approached it through political economy, and the Home Office followed his position thereafter, developing policies founded on the actuality of union practices. When legislation was drafted in the early 1870s it was the responsibility of Thring's successor, Godfrey Lushington, the Positivist and associate of the Christian Socialists, who had been one of the most active members of the committee responsible for *Trades' Societies and Strikes*. It is in these indirect, though suggestive, ways only that the Social Science Association may be said to have had influence over policy.<sup>10</sup> While the Association was active in 1870–1 with memorials and deputations to ministers then considering legislation, there is no evidence that the Home Office responded favourably to its lobbies.<sup>11</sup>

### III

The SSA succeeded in bringing together all parties concerned with trade unionism: rank-and-file members, union officials, employers, politicians, political economists, and that group of intellectuals – 'labour's friends' – essentially drawn from the Christian Socialists and Positivists.<sup>12</sup> The list of participants at the inaugural session on 4 July 1868 of the Association's 'Labour and Capital Committee', which for five years co-ordinated its involvement in industrial relations, presents a sample of each of these groups from Gladstone down.<sup>13</sup> In one room sat the future prime minister and the earl of Shaftesbury; 'advanced' employers like A. J. Mundella and Thomas Brassey; William Allan, Robert Applegarth, and

<sup>9</sup> *Trades' Societies and Strikes. Report of the Committee on Trades' Societies, appointed by the National Association for the Promotion of Social Science* (London, 1860) (hereafter *TSS*), 624.

<sup>10</sup> Curthoys, 'Trade Union Legislation 1871–6', 132–5.

<sup>11</sup> *SP* 1869–70, 259–60; *SP* 1870–1, 348. For example, the SSA wanted to make unions liable in the civil courts for losses caused by industrial action, but it was a unique feature of the 1871 Trade Union Act that unions were immune from civil suit and accorded a privileged position in law.

<sup>12</sup> H. W. McCready, 'British Labour's Lobby, 1867–75', *Canadian Journal of Economics and Political Science*, 22 (May 1956), 141–60.

<sup>13</sup> W. E. Gladstone, *The Gladstone Diaries* (ed. H. C. G. Matthew) (Oxford, 1978), vi, 608.

T. J. Dunning for the trade unions; G. J. Holyoake, Lloyd Jones, James Hole, and Edward Greening for the co-operative movement; Frederic Harrison, the Positivist; John Ludlow, the Christian Socialist, and John Ruskin.<sup>14</sup> The SSA thrived on such public displays of social solidarity – a manifestation of its self-appointed role in the reconciliation of classes.

In its early years the Association played host to the leaders and the rank and file of the organised working class, the former at sessions on 'Labour and Capital' in its Department of Social Economy, the latter at the annual 'Working Men's Meetings'. Hastings acclaimed the delivery of papers by working men in the main congress as 'a remarkable feature in the social history of the present day'.<sup>15</sup> Each of the union leaders whom the Webbs recognised as 'the most noteworthy' provincial organisers – Alexander MacDonald who created the National Miners Association and was later elected MP for Stafford in 1874; John Kane, the general secretary of the National Association of Ironworkers from 1868 to 1876; William Dronfield, secretary of the Sheffield Association of Organised Trades; and Alexander Campbell, Owenite and leader of the Glasgow Trades' Council – made contributions to the SSA.<sup>16</sup> Robert Applegarth, one of the London 'Junta' whom the Webbs identified as metropolitan leaders of labour, was later given a post under the Association's Labour and Capital Committee in 1871–2, working as an itinerant conciliator of industrial disputes.<sup>17</sup>

The SSA was a forum for a distinctive mid-Victorian relationship between the most organised sections of the labour force and some of the most notable large-scale enterprises, or, in human terms, between the leaders of the new model unions in such industries as engineering, the metal and building trades, and shipbuilding, and new model employers – a minority among industrialists – who 'turned their sense of the labour aristocracy's importance into a coherent policy'.<sup>18</sup> These employers included the hosiery enterprise of I. & R. Morley, managed in the 1860s by Samuel Morley, Liberal MP and a member of the SSA; the brewing enterprise of the Bass brothers; the railway contracting empire of the Brassey family. Each of these commercial dynasties was represented on the SSA's Labour and Capital Committee. With this concentration of capital went a commitment to orderly procedures of collective bargaining

<sup>14</sup> *SP* 1867–8, 389–432. See ch. 2 above, pp. 77–8.

<sup>15</sup> Hastings to Brougham, 21 Sept. 1859, B MSS, 7656.

<sup>16</sup> Webbs, *History of British Trade Unions*, 222–3.

<sup>17</sup> W. H. G. Armitage, A. J. Mundella, *The Liberal Background to the Labour Movement* (London, 1951), 102.

<sup>18</sup> Royden Harrison, *Before the Socialists*, 33–4. *The Bee-hive*, 11 July 1868, 4.

and the conciliation of disputes, and an accommodating response to the growth of working-class political and social influence in general.<sup>19</sup> Morley and Brassey jun. became vice-presidents of the newly created Amalgamated Society of Railway Servants, for example. Their connections with the labour movement, and reputations for plain-dealing were respected widely. When a representative of the SSA addressed striking weavers in Barnsley in 1873, he attempted to win favour by referring to

the names of Mr. A. J. Mundella, M.P., Mr. S. Morley, M.P., and many others who were large employers of labour, but who had at the same time earned such a reputation for perfectly just, honourable, and reasonable treatment of their workmen that their names would be received everywhere as those of men of whom Englishmen of every class were, and ought to be, proud.<sup>20</sup>

Morley, Mundella, Brassey, Bass, Courtauld, and other entrepreneurs who sat on the SSA's Labour and Capital Committee acknowledged that the development of trade unions was in the interests of capital. They conferred price stability by eliminating competition from small employers using non-unionised labour.<sup>21</sup> They guaranteed the skills and quality of the workforce. And the extension of piecework as the nineteenth-century division of labour accelerated necessitated regular negotiations over the price-per-piece that could only be carried on with an organised workforce. Self-interest dictated moderation: 'It was the large employers, particularly in heavily-capitalized industries, who had most to lose from a stoppage that allowed machinery to stand idle.'<sup>22</sup> As W. E. Forster told the Association in 1859, his interest as a Bradford worsted manufacturer was not to drive down wages but to 'get his work done well, and to pay such wages as would accomplish that object'.<sup>23</sup>

The very attributes which defined mid-Victorian trade unions – skill, organisation, and discipline – were valued by a new type of entrepreneur favourable to measures that brought unions within the law and accorded them a place in national life.<sup>24</sup> According to Walter Morrison MP when addressing the SSA's 1872 Working Men's Meeting,

<sup>19</sup> Ibid., 36–7. J. Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (New Haven and London, 1993), 229–30; D. A. Hamer, *Liberal Politics in the Age of Gladstone and Rosebery* (Oxford, 1972), 13–20.

<sup>20</sup> Edwin Pears, General Secretary of the SSA, quoted in *The Barnsley Chronicle*, 8 Feb. 1873, 8.

<sup>21</sup> W. Hamish Fraser, *A History of British Trade Unionism 1700–1998* (London, 1999), 64.

<sup>22</sup> Fraser, *Trade Unions and Society*, 102. G. R. Searle, *Entrepreneurial Politics in Mid-Victorian Britain* (Oxford, 1993), 277. Kirk, *Change, Continuity and Class*, 28.

<sup>23</sup> *T.1859*, 716. See Searle, *Entrepreneurial Politics*, 286.

<sup>24</sup> Alan Fox, *History and Heritage. The Social Origins of the British Industrial Relations System* (London, 1985), 129.



it was known to those who had studied the subject that strikes were least in those trades in which trades unions were best organised. There were no strikes among the amalgamated engineers, and the explanation was that they watched the fluctuations of commerce; they never asked for an increase of wages unless the state of the trade warranted it, and above all they never struck upon a falling market.<sup>25</sup>

According to another employer 'he had always sought men from the trade societies; he had always thus got good men, and had found that skilled workmen could do more and better work than others'.<sup>26</sup> The theory of a mid-Victorian 'labour aristocracy', set apart from the mass of the working class by virtue of higher incomes, greater skills, and a distinctive culture of respectability and self-improvement which predisposed elite workers to political moderation and reformism,<sup>27</sup> has attracted sustained criticism in recent years. Historians investigating the social and working lives of the working class *in situ* have had difficulty identifying the infamous sub-class. On the one hand it has been argued that the common experience and culture of working-class communities was more significant than any single division between groups of workers.<sup>28</sup> On the other, it has been suggested that a simple differentiation between an elite and the rest ignores the many gradations and cleavages among workers both at the workplace and in community life.<sup>29</sup> But the history may look different if we return to an older style of institutional labour history and consider the *organisations* of the working class in this period. Contemporaries in the Social Science Association certainly believed they were encountering not just a new social ambience but a new social formation in the unions, co-operatives, and friendly societies of the age. They investigated them in the late-1850s and they sought to construct a relationship with them in the 1860s. The SSA demands attention as an arena where sections of the middle class tried, unsuccessfully as it turned out, to achieve a social accommodation with the leaders of skilled, unionised workers.

<sup>25</sup> *Western Daily Mercury* (Plymouth), 16 Sept. 1872, 2.

<sup>26</sup> *Lectures on Economic Science. Delivered Under the Auspices of the Committee on Labour and Capital Appointed by the National Association for the Promotion of Social Science* (London, 1870), 53.

<sup>27</sup> E. J. Hobsbawm, 'The Labour Aristocracy in Nineteenth-Century Britain' in E. J. Hobsbawm, *Labouring Men: Studies in the History of Labour* (London, 1964), 272–315; H. F. Moorhouse, 'The Marxist Theory of the Labour Aristocracy', *Social History*, 3 (1978), 61–82; Robert Q. Gray, *The Aristocracy of Labour in Nineteenth-Century Britain c. 1850–1914* (London, 1981); Kirk, *The Growth of Working-Class Reformism*, 4–12.

<sup>28</sup> Patrick Joyce, *Work, Society and Politics. The Culture of the Factory in Later-Victorian England* (London, 1980), xiv, 92–3, 111, 285, 289.

<sup>29</sup> A. Reid, 'Politics and Economics in the Formation of the British Working Class: A Response to H. F. Moorhouse', *Social History*, 3 (1978), 347–61.

An investigation into trade unionism was suggested at the SSA's second congress and a Committee on 'Trades' Societies' was appointed to report 'upon the objects and constitution of Trades' Societies, with their effect upon wages and upon the industry and commerce of the country'.<sup>30</sup> The full committee numbered thirty-two: T. D. Acland, Edward Akroyd,<sup>31</sup> John Ball,<sup>32</sup> Thomas Randle Bennett, Charles Buxton MP, J. W. Crompton, J. T. Danson,<sup>33</sup> T. J. Dunning,<sup>34</sup> A. Edgar,<sup>35</sup> William Farr, Henry Fawcett, W. E. Forster,<sup>36</sup> H. W. Freeland MP,<sup>37</sup> G. W. Hastings, Charles Hawkins,<sup>38</sup> The Revd Brooke Herford,<sup>39</sup> R. H. Hutton, W. A. Jevons,<sup>40</sup> J. M. Ludlow, G. J. Shaw-Lefevre, Godfrey Lushington, Horace Mann,<sup>41</sup> Lord Robert Montagu MP<sup>42</sup>, F. D. Maurice, W. Parker, Lord Radstock,<sup>43</sup> W. B. Ranken, Sir James Kay-Shuttleworth, Professor John Wilson,<sup>44</sup> Thomas Hughes, P. H. Rathbone, and F. H. Hill.<sup>45</sup> It included ten past, present or future Liberal MPs; the three statisticians Farr, Mann, and Danson; notable representatives of nonconformist capital – Akroyd, Rathbone, and Forster – and a core of members from Christian Socialism, notably Maurice, Ludlow, and Hughes, as well as several men on the fringes of that group.<sup>46</sup> These included Thomas Randle Bennett, a barrister who lectured at the Working Men's College in London, a notable Christian Socialist

<sup>30</sup> *Liverpool Daily Post*, 13 Oct. 1858, 5; *TSS*, 624.

<sup>31</sup> Edward Akroyd: worsted manufacturer from Halifax and Liberal MP for Huddersfield 1857–9; Halifax 1865–74.

<sup>32</sup> John Ball: Liberal MP for Carlow Co., 1852–7. Under-Secretary for the Colonies, 1855–7.

<sup>33</sup> J. T. Danson: Liverpool businessman and statistician.

<sup>34</sup> T. J. Dunning: secretary of the London Consolidated Society of Bookbinders and 'the most respected and articulate representative of the older generation of Trade Unionists who were active in London' (R. Harrison, *Before the Socialists*, 45).

<sup>35</sup> Andrew Edgar: barrister and founder of the SSA.

<sup>36</sup> W. E. Forster: Bradford wool manufacturer. MP for Bradford 1861–86.

<sup>37</sup> H. W. Freeland: Liberal MP for Chichester, 1859–63.

<sup>38</sup> Charles Hawkins: cannot be traced.

<sup>39</sup> The Revd Brooke Herford: Unitarian divine who spent much of his life in the United States.

<sup>40</sup> W. A. Jevons: only traceable as having addressed the SSA in 1871 on 'a better system of legal education', *T.1871*, 151–62. Not to be confused with the economist W. S. Jevons who was in Australia 1854–1859. 'Biographical Introduction', *Papers and Correspondence of William Stanley Jevons* (eds. R. D. Collison Black and R. Könekamp) (7 vols., London, 1972–81), 1, 33–4.

<sup>41</sup> Horace Mann: Director of the 1851 Religious Census.

<sup>42</sup> Lord Robert Montague: Conservative MP (of independent leanings) 1859–80. President of the Board of Health and Vice-President of the Council, 1867.

<sup>43</sup> Lord Radstock: Granville Augustus William Waldegrave, third Baron Radstock.

<sup>44</sup> Prof. J. Wilson: Whyte's Professor of Moral Philosophy, Oxford.

<sup>45</sup> Frank Harrison Hill: barrister, journalist, and editor of *The Daily News*, 1870–87.

<sup>46</sup> J. M. Ludlow, 'Trade Societies and the Social Science Association', *MacMillan's Magazine*, 3 (1860–1), 314. W. H. Fraser, *A History of British Trade Unionism*, 40.

foundation; Charles Buxton, a brewer, Liberal MP, and a member of Maurice's circle in the early 1850s; Richard Holt Hutton, editor of *The Spectator* from 1861 to 1886 and a friend of Maurice; J. W. Parker, editor of *Fraser's Magazine* from 1848 to 1860; Thomas Dyke Acland MP, among other things a personal friend of Gladstone; W. E. Forster, later the Liberal minister; and W. B. Ranken, a barrister from Lincoln's Inn who may have assisted in founding the SSA.<sup>47</sup> Godfrey Lushington, legal counsel at the Home Office and draftsman of the 1871 trade union legislation, is better known as a Positivist, but he also taught at the Working Men's College and was a member of Maurice's circle in the 1850s. As a group, the Christian Socialists were attracted by the possibility of learning about, and gaining access to, the leaders of the working-class movement.<sup>48</sup> Overall, the diversity and expertise of the committee's membership were its title to influence.<sup>49</sup> As Frederic Harrison commented later, 'It is remarkable how many of the men who worked on that Committee of 1860 . . . have since been eminent in the service of the State, or in the cause of science.'<sup>50</sup> In the case of Lushington, sitting in the Home Office a decade later, we may guess at the importance of his participation. A young barrister, he wrote four reports for the volume, the largest individual contribution, including two detailed studies of recent labour disputes in the glass and chain-making industries, and a general analysis of documentation sent to the Committee by a wide variety of unions, some of them in crucial trades including mining, iron manufacture, and ceramics.<sup>51</sup> The SSA offered him a valuable apprenticeship for the delicate legislative tasks to follow and he emerged from it as a confirmed friend of labour. In the discussion following the presentation of the Committee's report at the Glasgow congress in 1860 he defended union rules in restraint of trade as a necessary response to unscrupulous employers.<sup>52</sup>

The enquiry was designed to encourage the harmony of labour and capital by the objective presentation of the realities of trade unionism.<sup>53</sup>

<sup>47</sup> See Appendix I.

<sup>48</sup> Ludlow to Maurice, 19 Oct. 1859, J. M. Ludlow papers, Cambridge University Library, Add. MS 7348/17/33.

<sup>49</sup> Frederic Harrison, 'The Good and Evil of Trade-Unionism', *Fortnightly Review*, 3 (1865-6), 37; *Newcastle Daily Chronicle*, 21 Sept. 1870, 5.

<sup>50</sup> Frederic Harrison, 'A New Industrial Inquiry', *Pall Mall Gazette*, 8 Sept. 1884, reprinted in *Industrial Remuneration Conference* (London, 1885).

<sup>51</sup> Godfrey Lushington, 'Account of the Strike and Lock-Out of the Flint Glass Makers in 1858-9'; 'Account of the Strike of Chain Makers in the Midland Counties'; 'Abstract of Miscellaneous Papers', and 'Abstract of Parliamentary Reports on Combinations, 1838', *TSS*, 104-14; 147-68; 265-338; 387-431.

<sup>52</sup> *Ibid.*, 607-8.

<sup>53</sup> *Ibid.*, 625; Ludlow, 'Trade Societies and the Social Science Association', 314.

Public opinion had largely been shaped by reports of union action when workers were in dispute; *Trades' Societies and Strikes* placed emphasis on the day-to-day activities of unions instead. As Rathbone wrote to Brougham, 'the attention of the public is generally directed too exclusively to Strikes, whereas the daily though almost imperceptible action of these powerful societies, is perhaps even more important'.<sup>54</sup> It was the recognition that trade unions had grown into permanent institutions which impressed discerning observers, and which formed the most important conclusions of the study.<sup>55</sup>

The Committee sent sets of questions to both unions and employers.<sup>56</sup> Investigations of specific institutions, trades, or disputes, which formed the bulk of the study, were undertaken by committee members working alone. The published volume included both majority and minority reports which summarised findings and made recommendations in the manner of a Royal Commission. *Trades' Societies and Strikes* was to be proof of the SSA's boast that its expertise was equal, if not superior, to official methods for collecting data and fashioning policy. As Ludlow summarised, 'The papers annexed to the report comprise ten accounts of strikes and lock-outs, two accounts of trade combinations in particular towns, one account of a particular trade society, abstracts of Parliamentary papers relating to trade combinations, and other documents.'<sup>57</sup> The volume also included an essay on the French working class by Louis Blanc, the exiled revolutionary socialist.<sup>58</sup> The case-studies conformed to a single style: the meticulous presentation of evidence about the dispute under scrutiny, set in the context of an examination of the state of the trade, including its history of industrial relations, the level of technology, working conditions, piece rates, wages, etc. The aim in each case was to be both thorough and objective. Ludlow's account of the 1858 West Yorkshire coal dispute was shown, prior to submission, 'to Mr. John Holmes on behalf of the men, to Mr. W. E. Forster, as one of those who attempted to mediate between masters and men, and to Messrs. Briggs, coal owners'.<sup>59</sup>

The Majority Report reads as a balance of acceptance and criticism with no certain conclusions. It recognised that unions had 'moderated' in the preceding generation; that employer-employee discussions were

<sup>54</sup> Rathbone to Brougham, 27 Aug. 1859, B MSS, 21852.

<sup>55</sup> Curthoys, 'Trade Union Legislation, 1871-6', 63-4; Ludlow, 'Trade Societies and the Social Science Association', 318n.

<sup>56</sup> TSS, 625-9; Rathbone to Brougham, 27 Aug. 1859, B MSS, 21852.

<sup>57</sup> Ludlow, 'Trade Societies and the Social Science Association', 314.

<sup>58</sup> TSS, 587-93. <sup>59</sup> TSS, 11.

now conducted 'in a fairer spirit'; that unions were 'less unreasonable in their expectations' and led by 'men of higher character and intelligence'; that strikes, contrary to public prejudice, frequently *were* successful. It conceded 'that the slightest return to the old policy of prohibiting combinations would be most mischievous, and that no legislative measures for preventing strikes and lock-outs would be effectual' – a conclusion described by Ludlow as 'invaluable'. The Report favoured the establishment of 'industrial partnerships' – joint-stock companies with capital subscribed by workers and partly managed by them, which would 'increase the operatives' experience of the relative value of manual and of intellectual labour, and of capital'. It also recommended procedures of arbitration which were then just beginning to attract notice: 'minor questions connected with trades . . . might be advantageously referred to a mixed tribunal of masters and men'. Yet the committee did not dare 'hope for the removal of the more direct and serious causes of strife by such arrangement', which drew criticism from Ludlow for its timidity. The Report also expressed the popular prejudices that unions harassed non-union men and used restrictive practices to increase levels of employment and that friendly societies linked to trade unions would be milked to subsidise strikes. Though the majority stopped short of recommending that unions be given a defined status in law, they advocated legal protection of their funds despite evidence that working men were 'dead against any interference at law or in equity, with the internal affairs of their trade unions'.<sup>60</sup>

It proved difficult to reach agreements that might have fundamentally altered mid-Victorian industrial relations, and the Majority Report was thus compromised, amounting to a general recognition that trade unions were permanent institutions capable of playing constructive economic and social roles, but without clear policies to substantiate that recognition. In this ambiguity the committee was not alone. A similar inconclusivity of tone and principle marks the report of the famous Royal Commission on Trade Unions 1867–9.<sup>61</sup> The resolutions of a minority of the committee conversely, comprising just Ludlow and Hughes, wanted to encourage 'habits of frank communication between masters and workmen on *all matters* affecting their common interests', and Ludlow was strident in demanding effective machinery for arbitration to solve

<sup>60</sup> TSS, 'Report', xviii–xix; Ludlow, 'Trade Societies and the Social Science Association', 370 and *The Autobiography of a Christian Socialist* (ed. A. D. Murray) (London, 1981), 296–7.

<sup>61</sup> Curthoys, 'Trade Union Legislation, 1871–6', 165–6.

the most sensitive issues.<sup>62</sup> The Minority Report also recommended legalising the benefit side of union activities under the existing Friendly Societies Act.

According to one historian, the volume's publication was 'perhaps the most important break-through in the progress of trade unions towards acceptance'.<sup>63</sup> In the debate on its presentation at the 1860 congress in Glasgow, Henry Fawcett, the voice of orthodox political economy, welcomed a study that 'cleared up those unjust and untrue assertions which had been cast upon the characters and motives of the delegates of trades' unions', and Sir Archibald Alison, a former Sheriff of Lanarkshire and noted legal opponent of unions, accepted that 'trades unions in themselves are not only proper but are a necessary balance in the fabric of society'.<sup>64</sup> Speaking for the unions at the 1865 congress, William Dronfield, a founder of the Trades Union Congress, noted how the volume 'did much to remove some of the prejudices and misconceptions existing amongst the middle and upper classes'.<sup>65</sup> Frederic Harrison described it later as 'the real source of almost all the knowledge before the public down to the Reports of the Royal Commission, in 1867-8-9, which, indeed, in no way superseded its usefulness'.<sup>66</sup> This was praise indeed from a member of the Royal Commission itself. He was echoed by the Webbs who described the enquiry as 'the best collection of Trade Union material and the most important account of Trade Union action that has ever been issued'.<sup>67</sup>

Yet *Trades' Societies and Strikes* did not amount to a settled acceptance of trade unionism. There is evidence of disagreement among members of the committee<sup>68</sup> and on both sides, left and right, there was dissatisfaction. When the volume was presented and debated at the Glasgow congress, it was criticised by employers including Edmund Potter, Thomas Bazley, and the Ashworth brothers, Henry and Edmund.<sup>69</sup> Meanwhile, Ludlow interpreted the Majority Report as essentially hostile to unionism and hence inconsistent with the material presented in the volume.<sup>70</sup> Indeed, if the Report really had reached unambiguous conclusions it could hardly be explained why the Association

<sup>62</sup> TSS, 'Report', xxi; Ludlow, 'Trade Societies and the Social Science Association', 370.

<sup>63</sup> Fraser, *Trade Unions and Society*, 82. See also Searle, *Entrepreneurial Politics*, 278-9.

<sup>64</sup> TSS, 606, 602. <sup>65</sup> *Sheffield and Rotherham Independent*, 6 Oct. 1865, 5.

<sup>66</sup> F. Harrison, 'A New Industrial Inquiry', ix. <sup>67</sup> Webbs, *History of British Trade Unions*, 227-8n.

<sup>68</sup> See the comments by G. J. Shaw-Lefevre at Glasgow, TSS, 609. See also T. Hughes to J. M. Ludlow, 14 Sept. 1860, Ludlow papers, Add. MS 7348/6/51.

<sup>69</sup> TSS, 603, 606-7, 613-14, 619-20.

<sup>70</sup> Ludlow, 'Trade Societies and the Social Science Association', 314.

continued to debate the place of trade unions throughout the 1860s, and why it attracted a proportion of speakers who were in varying degrees hostile to the principles and practices of organised labour. In many of the SSA's subsequent debates grudging acceptance barely masked suspicion. *Trades' Societies and Strikes* set the pattern for these inconsistencies and contradictions.

## V

The SSA looked beyond the mere acceptance of unions and turned to the concept of co-operation between masters and men. This implied generalised support for the profit-oriented schemes of the co-operative movement itself – a movement that had purged itself of the Owenite ethos of community building by the 1860s<sup>71</sup> – but more specifically denoted three practices: schemes of 'profit-sharing' between owners, investors, and the workforce; 'co-partnership' involving shared investment by both capitalists and workers; and forms of conciliation or arbitration to prevent trade disputes or solve them when they arose.

To many of the influential figures in the SSA the permanent solution to class antagonism depended on harnessing the mutual self-interest of employers and employees.<sup>72</sup> There were several co-partnership and profit-sharing ventures in the 1860s, pioneered by Messrs Fox and Head in the iron trade, Goodall's in printing, Lloyd and Summerfield in glass manufacture, Crossley's in carpet manufacture, and E. O. Greening's South Buckley Coal and Fire Brick Company.<sup>73</sup> One venture in particular caught the SSA's imagination: the collieries at Whitwood and Methley Junction, near Normanton in the West Riding of Yorkshire, which were owned by the Messrs Briggs and turned into a co-partnership in 1865.<sup>74</sup> The virulence of mid-century mining disputes made the enterprise an object of interest, and the Association listened to several papers from the Briggs family and others and monitored its progress. A constellation

<sup>71</sup> S. Pollard, 'Nineteenth Century Co-operation: From Community Building to Shopkeeping', in A. Briggs and J. Saville (eds.), *Essays in Labour History*, 1 (London, 1960), 74–110.

<sup>72</sup> Henry Fawcett, 'Address on Economy and Trade', *T.1868*, 120; Thomas Hughes, *SP 1867–8*, 415.

<sup>73</sup> E. C. Mack and W. H. G. Armitage, *Thomas Hughes. The Life of the Author of Tom Brown's Schooldays* (London, 1952), 153; *The Industrial Partnerships' Record*, no. 1, March 1867, 'Introductory', 15; 'Edward Owen Greening', *The Bee-Hive*, 6 Nov. 1875, 1–3.

<sup>74</sup> Lawrence Goldman, 'Henry Fawcett and the Social Science Association' in Lawrence Goldman (ed.), *The Blind Victorian: Henry Fawcett and British Liberalism* (Cambridge, 1989), 170–5.

of the leading economists of the age, including Mill, Jevons, Thornton, and Fawcett, endorsed the scheme, bringing it 'European celebrity'.<sup>75</sup>

Under it, the joint-stock limited liability company of Henry Briggs and Sons was capitalised at £90,000. The Briggs family retained two-thirds of the nine thousand £10 shares issued, and the remainder were offered for sale with 'a preference to applications from officials and operatives working in the concern'.<sup>76</sup> As Briggs explained in 1868,

whenever the divisible profits accruing from the business, after a fair and usual reservation for redemption of capital and other legitimate allowances, exceeded 10 per cent upon the capital embarked, all those employed by the company as managers, agents, or as workpeople, should receive one-half of such excess profits as a bonus to be distributed amongst them as a per-centage upon their respective earnings during the year in which such profit should have accrued.<sup>77</sup>

In other words, Briggs paid his men the same rate of wages as at other collieries, but after setting aside funds for the expenses of the business, he gave them, as a bonus, half of any profits above the 10 per cent. With two-thirds of the shares in the hands of the original partnership, they retained 'complete control over the works'.<sup>78</sup>

At the end of the first year, a bonus of 2 per cent on the paid-up capital, amounting to £1,800, was divided among the workers, giving an average bonus of  $7\frac{1}{2}$  per cent on annual earnings.<sup>79</sup> In 1867 the total dispersed in bonuses was £2,700 and in 1868, £3,150. Fawcett told the SSA in May 1868 that 'he had personally visited the Whitwood Collieries since the industrial partnership scheme had been in operation . . . and could testify to the success of the experiment'.<sup>80</sup> According to Stanley Jevons in a lecture for the Association two years later, 'Peace has reigned where there was strife. Steady, zealous work has become the unbroken rule. Strikes are known only by tradition'.<sup>81</sup> Yet by 1875 the enterprise had reverted to its original form. An explanation of the scheme's failure demonstrates two things: that the SSA's judgment was at fault in the faith placed in

<sup>75</sup> Sedley Taylor, *Profit Sharing Between Capital and Labour* (London, 1884), 133.

<sup>76</sup> Archibald Briggs, 'The Whitwood Collieries', *T.1866*, 703.

<sup>77</sup> *Royal Commission on Trade Unions*, 6th Report and Evidence, *PP* 1867–8, xxxix, 12547.

<sup>78</sup> *Ibid.*, 11th and Final (Majority) Report, *PP* 1868–9, xxxi, 260.

<sup>79</sup> S. Taylor, *Profit Sharing*, 119; 'Professor Fawcett M.P. and Mr. T. Hughes M.P., on Co-operation', *Manchester Courier*, 4 Oct. 1866, 6.

<sup>80</sup> *SP* 1867–8, 328.

<sup>81</sup> W. S. Jevons, 'On Industrial Partnerships', *Lectures on Economic Science. Delivered under the auspices of the Committee on Labour and Capital appointed by the National Association for the Promotion of Social Science* (London, 1870), 123–4.



this experiment, and that co-partnership was no universal panacea for the relations of labour and capital.

The Briggs scheme was not an exercise in social progress but 'a new form of enlightened commercial shrewdness which pays' as G. J. Holyoake told the Association in 1865.<sup>82</sup> The co-partnership was introduced after a decade of strife in the Briggs collieries, involving four major strikes and seventy-eight weeks without any coal production at all, 'besides innumerable minor disputes and consequent interruptions to work'.<sup>83</sup> Henry Briggs, chairman of the local employers' association, had come to personify 'exploitation and repression' to his workforce.<sup>84</sup> According to one miner 'all coalmasters is devils, and Briggs is the prince of devils'; according to another, 'he would be the devil if he only had horns'.<sup>85</sup> For his part, Briggs never hid his desire to break the West Yorkshire Miners' Federation, founded during the 1858 strike.<sup>86</sup> The co-partnership scheme ended these disputes – disputes which the workers actually won, maintaining their union and restoring their wage cut after 1858 – and effectively redressed the balance of the trade in the employers' favour.<sup>87</sup>

Old prejudices died hard. As Holyoake observed, under the co-partnership scheme the masters 'manifestly inherited a distrust of workmen'.<sup>88</sup> According to an employee, 'The thing is good, but you see it comes from Briggs, and I have no faith in Briggs'.<sup>89</sup> There were allegations that the shareholders were taking more than their fair share.<sup>90</sup> Holyoake was justifiably suspicious of the failure to provide figures on the total profits made each year.<sup>91</sup> The analysis made by John Holmes, the co-operator, after the scheme ended, demonstrated very clearly that the miners did not receive bonuses in proportion to the profits made by the mines in the early 1870s.<sup>92</sup> In 1872 the company denied a bonus to a third of the workforce who attended the annual 'union festival' of

<sup>82</sup> *T*1865, 486.

<sup>83</sup> H. C. Briggs, 'Industrial Partnerships', *T*1872, 457; Jevons, 'On Industrial Partnerships', 123. For a critical account of the scheme and its origins see John Holmes, 'Bonus to Labour', pts i–iv, *The Bee-Hive*, 16, 30 Oct; 13, 27 Nov. 1875.

<sup>84</sup> R. A. Church, 'Profit-Sharing and Labour Relations in England in the Nineteenth Century', *International Review of Social History*, 16 (1971), 5.

<sup>85</sup> S. Taylor, *Profit Sharing*, 135.

<sup>86</sup> Ludlow, 'Account of the West Yorkshire Coal Strike', *TSS*, 11, 46–7.

<sup>87</sup> Holmes, 'Bonus to Labour', pt ii, 16 Oct. 1875, 3.

<sup>88</sup> G. J. Holyoake, *The History of Cooperation* (2 vols., London, 1906 edn), II, 446.

<sup>89</sup> S. Taylor, *Profit Sharing*, 136. <sup>90</sup> R. A. Church, 'Profit-sharing and Labour Relations', 8.

<sup>91</sup> Holyoake, *History of Cooperation*, 2, 445.

<sup>92</sup> Holmes, 'Bonus to Labour', pt iv, 27 Nov. 1875, 2–3.

miners at Leeds: other employers consented to close the pits for the day, but the Briggs family refused, penalising those who remained loyal to their union.<sup>93</sup>

Henry Briggs made no secret of his motives. He gave evidence to the Royal Commission on Trade Unions and explained that 'there have been scarcely any stoppages' and that the men had worked 'infinitely more smoothly' since the scheme's introduction. He admitted that 'we have very much more control over our men now than we had under the old system'. Indeed, he calculated that whereas in 1865 nearly all his coal hewers were in the union, now 'only about 40 pay to the union, and that is only at one colliery, Methley Junction'. When asked if workers derived any benefit from retaining union membership under the co-partnership, Briggs responded that 'they get very little advantage at present, as I can gather'. He also noted that the miners' union blamed the scheme for its weakness in West Yorkshire.<sup>94</sup> Similar points were made before the SSA. Archibald Briggs told the Association in 1866 that if the scheme succeeded 'every legitimate object of the Trades Union will be attained and it must die a natural death, or better still, be converted into a benefit or accident club'.<sup>95</sup> Henry Briggs explained two years later that the miners' leaders at Whitwood were against the scheme for fear that 'industrial cooperation will supersede trade unionism'.<sup>96</sup> In 1870 he described trade unions as 'the pests of society. He did not mean to say that they could not co-exist with society, but, as they were at present, they were evils. If they united themselves to form co-operative or industrial associations he would not object to them'.<sup>97</sup> The only good union was a dead union. At least Briggs was honest.

Historians agree that the Briggs scheme was 'a cynical attempt to raise profits by working the men harder and breaking the power of the trade union'.<sup>98</sup> The scheme was questioned in 1872 when the partners raised the rate of interest payable on capital from 10 per cent to 15 per cent unilaterally, rewarding themselves with more.<sup>99</sup> It lasted only until 1874 when coal prices fell and the employers in the district asked for a 25 per cent reduction in wages. After arbitration with union leaders this

<sup>93</sup> G. J. Holyoake, 'The Abuse of Industrial Partnerships', *T.1872*, 459. Holmes, 'Bonus to Labour', pt iii, 13 Nov. 1875, 2.

<sup>94</sup> *PP* 1867–8, xxxix (Sixth Report and Evidence), Qq. 12601, 12602, 12610, 12615, 12616, 12623, 12625, 12655, 12666.

<sup>95</sup> *T.1866*, 708. <sup>96</sup> *SP* 1867–8, 326. <sup>97</sup> NAPSS, *Lectures on Economic Science*, 52.

<sup>98</sup> Pollard, 'Nineteenth Century Co-operation', 110; G. D. H. Cole, *A Century of Co-operation* (Manchester, 1945), 160; R. A. Church, 'Profit-Sharing and Labour Relations', 5; Mack and Armitage, *Thomas Hughes*, 155.

<sup>99</sup> S. Taylor, *Profit Sharing*, 141.

was reduced to 12.5 per cent, but the miners – including the workforce at the Briggs' collieries – struck for four weeks against any reductions in pay. The outside shareholders in the Briggs' co-partnerships then objected 'to the continuance of the system of sharing their profits with workpeople who nevertheless still had recourse to the old method of warfare between Capital and Labour'.<sup>100</sup> In February 1875 it was decided to cease paying the bonus, though many of the men were themselves ready to end the scheme, believing as they now did that the 'bonus' was only a portion of their legitimate wages returned to them at the year's end.<sup>101</sup> The men did not believe that they were being paid the going rate for wages under the bonus system, while the directors blamed the breakdown on 'the underground men being members of the miners' Union and acting strictly under the instructions of the executive of the union'.<sup>102</sup> The scheme was not only cynical but brittle: it was shot through with distrust and with the first experience of discord it was terminated.

Many prominent members of the SSA, including leaders of the labour movement like William Newton of the engineers, intellectuals like Frederic Harrison and Thomas Hughes and 'other eminent sociologists' had welcomed the scheme.<sup>103</sup> The local union leadership was hostile, but Alexander MacDonald of the national miners' association, who had been to see for himself, 'found everyone satisfied', 'trusted the system would be extended' and pledged that the 'trades unions would offer no opposition to it'.<sup>104</sup> It is evidence of the incorporation of union leaders in the milieu of class accommodation that the Social Science Association had constructed. Ludlow, conversely, who knew the true state of labour relations on the Yorkshire coalfields only too well having written about them in *Trades' Societies and Strikes*, was opposed to co-partnerships which, in his view, sought 'to exact from the worker the largest possible amount of labour for the smallest bribe in the way of bonus'.<sup>105</sup> That the Association could have embraced a plan that was openly hostile to trade unionism gives some indication of its ideological orientation by

<sup>100</sup> Ibid., 121–2.      <sup>101</sup> Ibid., 129.

<sup>102</sup> Holmes, 'Bonus to Labour', pt ii, 30 Oct. 1875, 2–3; pt iii, 13 Nov. 1875, 3.

<sup>103</sup> *SP 1867–8*, 328–9. Holmes, 'Bonus to Labour', pt ii, 16 Oct. 1875, 1. J. M. Ludlow was a notable sceptic. He 'flatly refused either to take shares in my own name or to express any approval of the scheme, & at the Coop. Congress in London spoke unfavourably of it'. Ludlow to Ludwig Joseph Brentano, 11 June 1886, Nachlass Brentano, L., NL 1/36, Bundesarchiv, Koblenz, ff. 221–2. See also Ludlow to Brentano, 18–22 March 1870, f. 30.

<sup>104</sup> *SP 1867–8*, 329.

<sup>105</sup> Mack and Armitage, *Thomas Hughes*, 155. Edward Bristow, 'Profit-Sharing, Socialism and Labour Unrest' in K. D. Brown (ed.), *Essays in Anti-Labour History. Responses to the Rise of Labour in Britain* (London, 1974), 269.

the late 1860s. The failure of the Briggs experiment suggests as well that the widespread enthusiasm for co-partnerships and profit-sharing in this period, which found its home in the SSA, was misplaced. Middle-class advocates of industrial harmony and co-operation, if sincere, were chasing a chimera: there was no simple solution to the problems of labour and capital, certainly not on these unequal terms. More often than not, however, the advocates of such schemes were not dealing plainly: the subsequent history of profit-sharing in the late nineteenth and early twentieth centuries is a record of 'self-interested attempts on the part of the employers to improve industrial relations . . . often enough through undermining the power and the influence of trade unions'.<sup>106</sup> Employers turned to profit-sharing after periods of industrial conflict and used it to regain the advantage over the workforce. It was rarely suggested in times of profit and industrial peace. After the Briggs experiment, it was opposed consistently by trade unions: 'the reputation of profit-sharing never fully recovered from the notorious initial experiment of Henry Briggs and Company'.<sup>107</sup>

## VI

The SSA's ideological orientation is clearer still in its involvement in the conciliation and arbitration movement of the 1860s and 1870s. This marks the historical origins of collective bargaining and formalised industrial relations in Britain, allowing for the 'institutionalisation' of industrial conflicts and hence for their orderly resolution.<sup>108</sup> The terms 'conciliation' and 'arbitration' were not always clear in meaning and frequently described any procedures for ending disputes. But in general, 'conciliation' denoted voluntary discussions and consensual agreements undertaken by equal numbers of representatives from both sides, and 'arbitration' denoted an appeal to an independent umpire whose solution was enforceable at law. Overall, the terms came to stand for collective bargaining: when unions called for arbitration or negotiation they wanted to be recognised as equal bargaining partners with employers.

Procedures for the conciliation of industrial disputes can be traced back to the 1830s in the Staffordshire potteries and among various groups of workers from silk weavers to shipwrights in the 1850s.<sup>109</sup> The first

<sup>106</sup> Church, 'Profit-Sharing and Labour Relations', 13.

<sup>107</sup> Bristow, 'Profit-Sharing, Socialism and Labour Unrest', 265.

<sup>108</sup> Kirk, *Growth of Working Class Reformism*, 288.

<sup>109</sup> W. H. Fraser, *History of British Trade Unionism*, 66.

notable arbitration and conciliation 'board' was created by A. J. Mundella for the Nottingham hosiery industry after a decade of industrial strife in the 1850s.<sup>110</sup> Mundella described the work of the Nottingham Board of Arbitration for the Hosiery Trade – whose function was to agree the prices of the various articles manufactured – to the SSA in 1868.<sup>111</sup> During the 1860s such formal structures began to multiply. The procedures of Judge Rupert Kettle, who frequented the Association from the late 1860s and who was styled the 'Prince of Arbitrators',<sup>112</sup> were first worked out for the Midlands' building trades after a local strike in Wolverhampton in 1864.<sup>113</sup> They then spread through the potteries and the building trades in Manchester and Leeds. Mundella favoured voluntary conciliation – agreements reached amicably by consensus – and Kettle favoured arbitration – the use of an outside umpire – with compulsion clauses if necessary. Whatever the mechanism, there was near-unanimous support for the principle at the SSA from all quarters: men, masters, intellectuals, philanthropists. The great aim of the SSA was to apply the procedures to the iron and coal industries, scenes of bitter dispute in the 1860s. By the 1870s, indeed, most coalfields had their 'boards of conciliation', while in 1869, the first board for the iron industry, the Board of Arbitration and Conciliation for the Manufactured Iron Trade of the North of England, was created on Teesside.<sup>114</sup>

The SSA went further than discussion and achieved national prominence through interventions in several industrial disputes. Such interventions had precedents: in 1859, members of the Committee on Trades' Societies had met union leaders involved in the London building disputes of that year in Ludlow's rooms in Lincoln's Inn to try to reach a settlement.<sup>115</sup> It was also suggested at the 1867 congress that the SSA's Council should organise its own permanent Court of Conciliation 'to which masters and men might appeal in cases of dispute', though the idea went no further.<sup>116</sup> Instead, the Labour and Capital Committee attempted conciliation *in situ*. Led by Mundella and Walter Morrison the

<sup>110</sup> On Mundella and the labour movement see J. Spain, 'Trade Unionists, Gladstonian Liberals and the Labour Law Reforms of 1875', in Biagini and Reid (eds.), *Currents of Radicalism*, 109–33.

<sup>111</sup> *SP* 1867–8, 412–14; *T* 1868, 524–32. <sup>112</sup> *Dictionary of National Biography*, supplement iii, 62.

<sup>113</sup> Kettle delivered five papers to the SSA between 1871 and 1883. See especially 'On Boards of Conciliation and Arbitration between Employers and Employed', *SP* 1870–1, 167–85.

<sup>114</sup> V. L. Allen, 'The Origins of Industrial Conciliation and Arbitration', *International Review of Social History*, 9 (1964), 240.

<sup>115</sup> N. C. Masterman, *John Malcolm Ludlow. The Builder of Christian Socialism* (Cambridge, 1963), 185; Ludlow, *Autobiography of a Christian Socialist*, 292–3.

<sup>116</sup> *T* 1867, 695.

first intervention was in the famous Nine Hours' Strike of the Tyneside engineers.<sup>117</sup> Morrison visited Newcastle in June 1871 to meet the engineers and their employers, though a settlement was then unattainable. Mundella tried in September, using a network of contacts including his personal friend, the old Chartist leader Thomas Cooper, who arranged a meeting with John Burnett, president of the Nine Hours' League. This intervention was also unsuccessful, but 'the exchanges of September, culminating in Mundella's attempt at mediation had very much narrowed down the area of remaining conflict' and joint negotiations produced a settlement by October.<sup>118</sup> As an officer of the SSA, Mundella held an independent position, making it possible for him to act as honest broker, though his private sympathy was for the strikers.<sup>119</sup>

In 1872, the Association claimed to have intervened successfully in the London Builders' Strike of that year, bringing together the masters and masons.<sup>120</sup> However, the official account neglected to explain that though the masons settled, the carpenters stayed out, with consequent inter-union acrimony. There is evidence that the SSA accentuated this division and incited opinion against the carpenters by publishing letters between Robert Applegarth for the Labour and Capital Committee and Henry Broadhurst, president of the masons in London. The letters were made public to induce 'the carpenters and other workmen who are still out on strike to accept the terms acceded to the masons, and adopted by them'. They were sent by the SSA to London newspapers on the calculation that a demonstration of the moderation of the masons would put pressure on the carpenters.<sup>121</sup>

In 1873, meanwhile, 'representatives visited Barnsley to assist in bringing the dispute between the power-loom weavers and their employers to an end'.<sup>122</sup> The representatives were the barrister, Edwin Pears, General Secretary of the SSA in the early 1870s, and Applegarth. The story of their intervention is instructive, as showing the intrinsic limitations of arbitration and conciliation. By the time the delegation arrived in Barnsley, the operatives in the local linen trade had been on strike (and subsequently locked out) for twenty-four weeks and feelings were embittered.

<sup>117</sup> *T.1871*, xxxviii. <sup>118</sup> E. Allen, *The North-East Engineers' Strike of 1871* (Newcastle, 1971), 175.

<sup>119</sup> Thomas Cooper to A. J. Mundella, Mundella papers, University of Sheffield, GP/4/12/i; Armitage, *A. J. Mundella*, 103–4; E. Allen, *The North-East Engineers' Strike*, 127, 168–71.

<sup>120</sup> *T.1873*, xxxvii–xxxviii; *SP 1872–3*, 420.

<sup>121</sup> Applegarth had recently been voted out of office as secretary of the Amalgamated Society of Carpenters and Joiners and may have been personally motivated. *SP 1871–2*, 389–90.

<sup>122</sup> *T.1873*, xxxvii–xxxviii.

The weavers aimed to secure a 15 per cent increase in the price-per-piece.<sup>123</sup> Pears and Applegarth engineered a meeting between representatives of the masters and men and Applegarth also addressed the men directly. But to no avail: the masters demanded the men return to work at current rates, subject to the results of arbitration, any increases to be backdated to the day work resumed. But the men stuck to their demand for a 15 per cent increase and refused to return 'till the award of the arbitrators be known'. To resume work without an acceptable settlement would forfeit their one advantage in the struggle.<sup>124</sup>

The SSA's intervention came to an end after a meeting in the local Temperance Hall. An audience composed of striking weavers was addressed by the SSA delegation. Applegarth had made every effort in earlier meetings to convince the strikers that he was a worker who understood their position: 'he had had to work hard all his life', he told them, and his view 'was not that of a gentleman from London, but one of themselves'.<sup>125</sup> Yet his recommendation of arbitration on the masters' terms had turned the men against him, and when he rose to speak on this final occasion he was jeered. 'Uproar ensued and there were shouts on the part of those present to look after Mr. Applegarth who was escorted to his hotel by a number of police officers.'<sup>126</sup>

According to the *Leeds Mercury*, 'Mr. Applegarth has learnt that it is a thankless task to interfere in disputes between angry men'.<sup>127</sup> The Labour and Capital Committee had learnt a similar lesson. It was becoming evident that while arbitration and conciliation seemed reasonable in theory, they were fraught with problems in practice. The circumstances in which arbitration should begin was a source of conflict, and the timing and evidential basis on which it was to proceed were even more likely to cause dispute. There *were* no simple solutions to disputes between labour and capital. After Barnsley there is no mention of another strike attracting the interest of the Association and by 1874 the Labour and Capital Committee had been wound up. In each of these cases the SSA helped initiate negotiations, but in no case was it wholly successful, and in Barnsley it may actually have worsened the conflict.

## VII

The politics of the industrial relations pursued by the Association become clearer still by setting disputes like these in the context of research on the

<sup>123</sup> *Barnsley Chronicle*, 1 Feb. 1873, 3.

<sup>124</sup> *Ibid.*, 8.

<sup>125</sup> *Ibid.*

<sup>126</sup> *Ibid.*, 8 Feb. 1873, 5, 8.

<sup>127</sup> Quoted in *Ibid.*, 15 Feb. 1873, 5.

longer-term consequences of the conciliation and arbitration movement. At first sight labour and capital both gained from the new procedures. Employers were assured of an orderly, disciplined workforce, undisturbed production at times of high demand, and agreed future wage levels. Unions were offered a means of solving disputes that neither damaged their funds nor their public acceptability, and ensured higher status for their officials.<sup>128</sup> In conciliation, unions gained recognition as legitimate bargainers able to speak for all workers, including the non-unionised.<sup>129</sup> But both sides also lost something: the employers, their cherished 'managerial prerogative', the unions their capacity to take advantage of an upturn in trade. Moreover, the new procedures were to their advantage and disadvantage at different times, working in favour of unions in the expansion of the late 1860s and early 1870s, when employers would pay for uninterrupted production, and against them in the depression from the late 1870s, when involvement in conciliation boards which set wages against the selling price of goods produced brought wage cuts in all industries. Yet there is also evidence that, in the manner of co-partnerships, arbitration and conciliation were *designed* to work in the interests of the employers.

Given that many of the conditions necessary for arbitration and conciliation existed before 1860 – the capacity of employers to work together, local recognition of unions, and ongoing *ad hoc* negotiations in many industries – it is important to ascertain why, in the 1860s, employers were prepared to tolerate *standing* conciliation procedures, thereby conceding more than a *de facto* recognition to the unions and accepting that the price of labour was not solely determined by the market. It would appear that conciliation could be used to ensure, in times of good trade, that production was maintained and the workforce was unable to take advantage of an improved bargaining position. The conciliation board for the Nottingham hosiery industry was established in conditions of expanding trade, following technological innovations in the 1850s and increased international demand. Kettle's attempts to conciliate the building trades prevented the workforce from taking advantage of a favourable market in the 1860s when demand for labour was high.<sup>130</sup> In lean times, however, conciliation was never countenanced: efforts by John Kane of the Association of Ironworkers to interest the employers in arbitration during a period of slack trade between 1866 and 1868 failed. In 1869,

<sup>128</sup> Keith Burgess, *The Origins of British Industrial Relations* (London, 1975), ix–x.

<sup>129</sup> Kettle, 'On Boards of Conciliation and Arbitration', 180–2.

<sup>130</sup> V. L. Allen, 'Origins of Industrial Conciliation and Arbitration', 244.



however, as American demand for iron revived, the level of employment rose and iron masters, facing potential disruption by wage disputes, were eager to create a board for the 'Manufactured Iron Trade of the North of England'.<sup>131</sup> Employers thus made 'adroit use . . . in the 1870s of the concept of arbitration'.<sup>132</sup> Setting wages according to selling prices obviated the need to pay a basic minimum, ensured long-term predictability of wage-costs, and prevented labour from making gains from the general decline of late nineteenth-century prices.<sup>133</sup> The 'sliding-scale agreements' which became the norm in many industries undermined the existence of unions which, as bargainers, was rendered superfluous: the iron trades' Board of Arbitration and Conciliation, 'killed off any effective iron-working trade unionism for many years'. With Kane's union accepting a sliding scale of wages and formally outlawing strikes in the trade because of its involvement with the Board, 'over the next decade . . . the union's autonomous function became ever more nebulous' and its membership fell from 35,000 in 1873 to 1,400 by 1879.<sup>134</sup> Employers endured falling profits in the late 1870s and wanted wage cuts. Union leaders felt obliged to honour agreed procedures and endorsed them.<sup>135</sup> Hence it is argued that conciliation and arbitration became arms of employers' power rather than effective solutions to problems of industrial relations: 'Where conciliation and arbitration were employed, and were succeeded by sliding scale agreements, trade unionism was contained and disarmed at a significant stage of its growth.'<sup>136</sup> The SSA spoke often of fairness and reason but its promotion of amicable industrial relations worked against the wages and organisation of labour and in favour of employers' need for a disciplined workforce and uninterrupted production.

## VIII

Further evidence of the SSA's ambivalence towards labour may be found in the origins of the Trades Union Congress, the central institution in the

<sup>131</sup> *Ibid.*, 247.

<sup>132</sup> David Kynaston, *King Labour. The British Working Class 1850-1914* (London, 1976), 54. See also Curthoys, 'Trade Union Legislation, 1871-6', 253-8.

<sup>133</sup> Burgess, *Origins of British Industrial Relations*, ix. W. H. Fraser, *History of British Trade Unionism*, 68.

<sup>134</sup> Kynaston, *King Labour*, 55; Webbs, *History of British Trade Unionism*, 335.

<sup>135</sup> Webbs, *The History of Trade Unionism*, 338-42; W. H. Fraser, *History of British Trade Unionism*, 72.

<sup>136</sup> Allen, 'Origins of Industrial Conciliation and Arbitration', 254. R. A. Church, 'Technological Change and the Hosiery Board of Conciliation and Arbitration 1860-1884', *Yorkshire Bulletin of Economic and Social Research*, 15 (1963), 57. For a different view see J. H. Porter, 'Wage Bargaining Under Conciliation Agreements, 1860-1914', *Economic History Review* (1970), 461.

history of the organised working class in Britain, which was formed in oppositional response to the Social Science Association. The opposition was engendered by the Association's failure to represent trade unionists adequately in its *Transactions*. Most pro-union contributions, especially if presented by workmen, were printed in abbreviated form only. The discrimination was noted by the Edinburgh Trades' Council in 1862 and 1863: its delegates in 1860 had both presented papers but neither was published in full.<sup>137</sup> It became a matter of public controversy in 1865 when William Dronfield attended the congress in his home city, Sheffield. Dronfield, a journeyman compositor, was Secretary of the Sheffield Typographical Society and largely responsible for the establishment of the Sheffield Association of Organised Trades in 1858, which he served as secretary. He attended a session in which an embittered ex-unionist, John Wilson, criticised trade unions for their restrictions on apprenticeship, coercion of non-members, and 'ignorance of economical science'.<sup>138</sup> Intervening in the discussion, Dronfield protested that his paper 'which was on the other side of the same subject' had not been scheduled with Wilson's, but 'was put down last on the list of voluntary papers for the day'. Claiming that this was 'quite inadvertant' the secretary allowed Dronfield to read his paper, entitled 'Trades' Societies and a Working Man's View of Them', there and then. Dronfield stressed the respectability of local unions, their success in industrial action, and capacity to sustain their members through adversity.<sup>139</sup> A lengthy discussion followed, with contributions from Fawcett, who urged the adoption of profit-sharing, and from Hughes, who defended the right of workers to organise themselves. Nor was this Dronfield's only contribution. He refuted charges made at the annual Working Men's Meeting that Sheffield unions maintained anti-social and restrictive regulations.<sup>140</sup> In a session on the local file trades, he denied that the men were against the introduction of new machinery in Sheffield's mills and workshops.<sup>141</sup>

The Sheffield congress was dominated by discussion of the labour question in a city notorious for the violence of its industrial relations.<sup>142</sup>

<sup>137</sup> Edinburgh Trades' Council, *Minutes of the Edinburgh Trades' Council 1859-1873* (ed. Ian McDougall) (Edinburgh, 1968), 88 (7 April 1862); *Edinburgh Evening Courant*, 15 Oct. 1863, 6. See the summarised papers by William Caw and Alexander Fraser, *T.1860*, 877-8.

<sup>138</sup> John Wilson, 'What are the Best Means of Establishing a System of Authoritative Arbitration between Employers and Employed', *T.1865*, 476-80.

<sup>139</sup> *Sheffield and Rotherham Independent*, 6 Oct. 1865, 5. Vernon Thornes, *William Dronfield 1826-1894. Influences on Nineteenth Century Sheffield* (Sheffield City Libraries, 1976), 12.

<sup>140</sup> *Sheffield and Rotherham Independent*, 7 Oct. 1865, 7.

<sup>141</sup> *Ibid.*, 10 Oct. 1865, 8. <sup>142</sup> *Ibid.*, 10 Oct. 1865, 5.

In these exchanges Dronfield attempted to represent local working men. While Wilson's paper was published in full, Dronfield's was omitted from the *Transactions* altogether, which state only that 'Mr. Dronfield read a paper pointing to the advantages of trades' unions.'<sup>143</sup> As Ludlow and Lloyd Jones put it, 'Mr. Dronfield's position in Sheffield, and among the working class at large, should alone have secured to him more courteous treatment'.<sup>144</sup> Contributions from other representatives from Sheffield trades who took part in the discussion following Dronfield's paper were also omitted, including a speech vindicating unions by William Broadhead, secretary of the Saw-Grinders' Society, treasurer of the Sheffield Association of Organized Trades, and soon to become infamous as ringleader of the so-called 'Sheffield Outrages' against non-unionists.<sup>145</sup> As Dronfield lamented, what could be achieved 'if we cannot get justice done to us – if we cannot get our views represented – if when we express ourselves, either by writing papers, or in attempting to reply to the attacks made upon us, we are ignored in the official documents of the Society?'<sup>146</sup>

The answer was for trade unionists to construct their own forum and two related developments occurred in consequence of Dronfield's treatment. In July 1866 the Sheffield Association of Organized Trades summoned a national conference of trade unionists from which the United Kingdom Alliance of Organized Trades emerged with Dronfield as its secretary. For five years this united seventy-three unions with some fifty thousand members, though it was eventually absorbed in a second institutional response to the SSA's censorship.<sup>147</sup> For Dronfield's experience in 1865 stimulated two of his associates, Samuel Nicholson and William Wood, leading officials of the Manchester and Salford Trades' Council, to organise the first Trades Union Congress.<sup>148</sup> The summons to the meeting proposed 'that the Congress shall assume the character of the annual meetings of the British Association for the Advancement of Science and the Social Science Association, in the transactions of which societies the artisan class are almost entirely excluded'.<sup>149</sup> According to

<sup>143</sup> *T.1865*, 518–19.

<sup>144</sup> J. M. Ludlow and Lloyd Jones, *Progress of the Working Class 1832–1867* (London, 1867), 283n.

<sup>145</sup> *Sheffield and Rotherham Independent*, 6 Oct. 1865, 5. Broadhead's comments do not appear in the official report, *T.1865*, 518–29.

<sup>146</sup> United Kingdom Alliance of Organised Trades, *Report of the Conference of Trades' Delegates of the United Kingdom* (Sheffield, 1866), 69–70.

<sup>147</sup> Thornes, *William Dronfield*, 12.

<sup>148</sup> A. E. Musson, *Trade Union and Social History* (London, 1974), 42–4.

<sup>149</sup> 'Proposed Congress of Trades Councils and Other Federations of Trades Societies', Manchester, 21 Feb. 1868, *ibid.*, 43.

one historian, the Congress was conceived 'as a working-class version of the Social Science Association at which papers on topics of interest to trade unionists would be read and discussed'.<sup>150</sup> The SSA's influence as an organisational model had already spread to individual unions. The founding meeting of the first national miners union in Leeds in November 1863 had been organised 'on the model of the National Association for the Promotion of Social Science', for example.<sup>151</sup> The political bias of the Social Science Association was incompatible with the emergence of strong, national trade unionism, but the SSA was a potent organisational model for the labour movement in its efforts to reach the public.

## IX

The Association's signal contribution to the settlement of 'the labour question' was the close, empirical research in *Trades' Societies and Strikes* designed to show how unions worked and what they had achieved in practice. This was innovatory in itself, since so much of the contemporary debate over the place of organised labour, especially when joined by opponents of trade unionism, was couched in the theoretical discourse of political economy. Empirical and theoretical approaches were opposed both methodologically and politically and the SSA, in reflecting national opinion, was host to debates where the disciples of economic theory came up against working men and their intellectual advocates whose opposed arguments were grounded in everyday trade practices. If the Association began its investigation of the labour movement by undertaking extensive empirical research, however, it did not remain faithful to this project; a decade after *Trades' Societies and Strikes* was published, it was sponsoring 'Lectures on Economic Science' for working men in the belief that the wider diffusion of the principles of political economy would result in more compliant behaviour from workers.

The debate on the explanatory merits of political economy at the SSA was focused on the nature of labour as an economic category.<sup>152</sup> Exchanges comparable to the following occurred almost annually:

<sup>150</sup> R. M. Martin, *TUC: The Growth of a Pressure Group. 1868-1976* (Oxford, 1980), 43. See also B. C. Roberts, *The Trade Union Congress 1868-1921* (London, 1958), 44-51; J. Lovell and B. C. Roberts, *A Short History of the T.U.C.* (London, 1968), 19-22.

<sup>151</sup> Webbs, *History of British Trade Unions*, 287.

<sup>152</sup> For different views of working-class responses to political economy see R. V. Clements, 'British Trade Unions and Popular Political Economy, 1850-1875', *Economic History Review*, 14 (1961-2), 93-104, and E. Biagini, 'British Trade Unions and Popular Political Economy, 1860-1880', *Historical Journal*, 30 (1987), 811-40.

- P. H. RATHBONE: Let it be understood that labour is only a dead commodity: that employer and employed stand in relation to each other merely as buyer and seller of that commodity: and that the laws of political economy, when rightly understood, are as much the laws of Providence as the laws of gravitation.
- MR M'KANE: He denied that wages were governed by supply and demand, or that the laws of political economy were as much the laws of Providence as the laws of gravitation. Political Economy, as he understood it, was merely a science of tendencies; and all that political economy meant by laying down the principle that the rate of wages was regulated by supply and demand was that in the long run there was a tendency in wages to be so regulated.<sup>153</sup>

Thomas Hughes was scandalised that employers 'treated the labour of their men, which was in fact the lives of their men, on the same principles as those on which they treated a dead commodity'. However, Edmund Potter, owner of the largest calico-printing works in the world, and MP for Carlisle from 1861 to 1880, 'contended that they could not treat labour in any other way' – it was 'a mere purchaseable article, like all other commodities' – and Henry Ashworth, the Bolton millowner, agreed.<sup>154</sup> There were comparable debates on the validity of the wage fund doctrine – the belief that the proportion of capital that could be spent on wages was fixed; on the nature of 'fair remuneration'; and on the 'just price for labour'.<sup>155</sup>

The debates came to a climax at the Association's showpiece meeting, the inauguration of the Labour and Capital Committee in 1868. The first resolution here, proposed by Kay-Shuttleworth, made an overt connection between trade unionism and political economy, blaming strikes, restrictive practices, and intimidation on a 'lamentable ignorance of the natural laws which regulate wages'. It was answered by Ludlow's assault on 'that which assumed to itself the title of political economy, but which was, in fact, a mere plutonomy . . . instead of being confined to its true province as a mere science of the distribution of wealth . . . it was sought to be erected into a rule of society and of mutual relations between man and man'.<sup>156</sup> Ludlow was followed by Ruskin, who brought his thunderous rejection of a 'science based on the idea that an advantageous

<sup>153</sup> *T* 1867, 693–4. <sup>154</sup> *TSS*, 595, 599, 603, 606.

<sup>155</sup> On the wage-fund doctrine, see William Newmarch's response to Frederic Harrison after the latter's paper in 1862, 'The Strike of the Stonemasons in London, 1861–2' in *Papers and Discussions on Social Economy* (London, 1863), 112–13. On fair remuneration, see Kettle, 'On Boards of Conciliation and Arbitration', 173.

<sup>156</sup> *SP* 1867–8, 398–9.

code of social action may be determined irrespective of the influence of social affection' from the pages of *Unto This Last* to the Social Science Association.<sup>157</sup> Ruskin explicitly disavowed the premises of political economy and introduced to the discussion a set of values and style of cultural criticism utterly opposed to the 'scientific' rigour favoured by other participants. Ruskin opposed 'that theory of political economy which laid down that man was a predatory animal by nature', and asserted 'that he was by nature an affectionate animal, and that his economy ought to be based upon his affections'. With a fine contempt for orderly procedure and unbowed by the dignity of the company, Ruskin proceeded to ask of the assembled 'professors of political economy' ten questions, including, 'Supposing that in the present state of England capital is necessary, are capitalists so? In other words, is it needful for right operation of capital that it should be administered under the arbitrary power of one person?' and 'Is it a natural law that, for the same quality or piece of work, wages should be sometimes high, sometimes low? With what standard do we properly or scientifically compare them, in calling them high or low; and what is the limit of their possible lowness under natural laws?' Political economy was a science of the market. Ruskin suggested its antithesis – and his ideal – in a resolution to the meeting envisaging a society based on fixed obligations and fixed remuneration where 'all are equally employed in definite labours and recognized duties'.<sup>158</sup>

Ruskin had no impact on the Labour and Capital Committee. His economic principles were ridiculed and then ignored in the 1860s and 1870s. The *Daily News* mocked his argument at the SSA that 'political economy should be based on the affections. He might rationally have asked to base the science of astronomy on the feelings'.<sup>159</sup> The *Times* was dismissive: 'Let us have as few theories as possible, and let Mr. Ruskin be left to solve his own problems'.<sup>160</sup> But his ethical disdain for political economy was to have a powerful effect on the emergent labour movement of the next generation.<sup>161</sup> In the real world, of course, trade unions learnt to operate within the confines of a market economy, sometimes justifying

<sup>157</sup> John Ruskin, *Unto this Last* (London, 1862), 1.

<sup>158</sup> *SP* 1867–8, 405–6, 426. For press comment on Ruskin's performance see the *Pall Mall Gazette*, 6 July 1868, reprinted in *Works of John Ruskin* (ed. E. T. Cook and A. Wedderburn), xxvii, 523–6. See also Ruskin to Frederic Harrison, 8 July 1868, in *ibid.*, xxxvi, 551.

<sup>159</sup> *Daily News*, 6 July 1868, 5. <sup>160</sup> *The Times*, 7 July 1868, 9.

<sup>161</sup> Lawrence Goldman, 'Ruskin, Oxford and the British Labour Movement 1880–1914' in D. Birch (ed.), *Ruskin and the Dawn of the Modern* (Oxford, 1999), 57–86.

their existence in terms of orthodox economics where this corresponded to their practice, but for the most part content to be guided by collective interest alone.<sup>162</sup> As Lloyd Jones explained at the London congress, 'the working man accepts such of these views as his experience in the world and workshop justify to him. Where his experience does not do so, he rejects them.'<sup>163</sup>

Radical intellectuals committed to organised labour, critics of conventional economics, and working men themselves joined forces and attempted to use the SSA as a forum where the explanatory value of the dominant social discourse could be tested. But if the wage-fund doctrine and other aspects of classical theory affecting labour were refuted in the 1860s, and if economic radicals were allowed a platform at the SSA, the Labour and Capital Committee remained committed to the inculcation of the maxims of political economy as a salve against industrial conflict, and pursued those expedients – arbitration and co-partnership – which worked in the interests of employers. Frederic Harrison had acclaimed *Trades' Societies and Strikes*: 'Let it be the first book you read. It seems to me the best collection of materials for obtaining a knowledge of the actual ways and wants of the industrial classes.' In time, however, he was reduced to insulting 'the half-crazy "ne'er-do-weels" who muddle about at the Social Congresses' – 'that absurd Institution'.<sup>164</sup> By the 1870s the Positivists and Christian Socialists no longer attended the SSA. Though initially present in force and able to influence the Association's consensus at a significant moment, the radicals never displaced orthodoxy with a social science grounded in actually existing economic practices and the totality of social relations.

When Gladstone chaired the inaugural meeting of the Labour and Capital Committee he had warned 'that it would be vain for us to hope to put down the movements that are made... by the mere inculcation of the dry and naked truths of political economy'.<sup>165</sup> The wise advice was ignored and the Association embarked on a fruitless exercise in the endorsement of orthodoxy when it arranged a series of *Lectures on Economic Science* to be delivered in London 'to promote the establishment of harmony between employers and workpeople'.<sup>166</sup> These merely demonstrated how far the Association had regressed since it presented the exciting results of real research a decade before. The

<sup>162</sup> A. E. Musson, *British Trade Unions 1800–1875* (London, 1972), 54. <sup>163</sup> *T1862*, 801.

<sup>164</sup> Frederic Harrison, *Autobiographic Memoirs* (2 vols., London, 1911), 254, 278.

<sup>165</sup> *SP 1867–8*, 394. <sup>166</sup> *Lectures on Economic Science*, v.

lectures were delivered by W. B. Hodgson ('The True Scope of Economic Science' and 'Competition'); Frederic Hill ('The Identity of the Interests of Employers and Workpeople'); R. H. Hutton ('Reciprocity'); and Stanley Jevons ('On Industrial Partnerships') and were attended by mixed audiences of 'employers, workmen, and persons in a neutral position'.

Frederic Hill's attempt to prove the common interests of masters and men was decried by one worker on the grounds that masters were selfish, and if not selfish, were liable to be forced out of business by unscrupulous rivals paying lower wages. 'It was absolutely essential that men should combine and resist the employers', therefore. Even an employer was moved to defend unions: 'as the number of trade societies increased, the condition of working men had risen, as well as the rate of wages'. Classical political economy held this to be impossible: so much the worse for the theory.<sup>167</sup> When Hodgson extolled the advantages of competition, one working man called for intervention by the state to protect its victims forced into long hours and lower wages. Another saw in competition the rationale for trade unions: 'it was because of competition that it became necessary for working men to combine with each other in order to place a limit to the process of cutting down [wages] by the masters'. Competition between masters was also the cause of 'inferior articles' and adulteration: prices went down, but only because the 'work is scamped', and consumers suffered. Even that truly great economic thinker, Stanley Jevons, could not convince his audience of the benefits of industrial partnerships on the model of the Messrs Briggs. William Pare, the old Owenite, raised the issue of a fair division of profits between owners of capital and workers under such schemes. Applegarth was concerned that industrial partnerships were designed to dispense with trade unions; 'the lecturer had prophesied the bankruptcy of the unions, but he said they would not break'.<sup>168</sup> Far from winning converts, *Lectures on Economic Science* merely showed how many workers contested the claims of political economy and had experience that contradicted its nostrums. No further lectures were arranged, and the Committee on Labour and Capital, though it made the aforementioned efforts to

<sup>167</sup> 'Do hold your tongue about the wages fund – it is simply too absurd to talk about. There never was a working man who did not feel by daily experience that it was mere humbug,' J. M. Ludlow to Ludwig Joseph Brentano, 29 Aug. 1879, Nachlass Brentano, L., NL 1/36, Bundesarchiv, Koblenz, f. 133.

<sup>168</sup> *Lectures on Economic Science*, 50–4, 83–4, 148–51.



conciliate industrial disputes in the early 1870s, languished and died in 1874.<sup>169</sup> It was short of funds, and one of its primary aims – ‘to weed out error and implant truth’ – was seen to cause more harm than good.<sup>170</sup>

After the revelation of censorship of working men’s contributions and the Association’s return to orthodoxy, the working class ceased to attend. In 1873 the absence of their representatives in the regular sessions of the Association was noted by the President of the congress, Lord Houghton, and Thomas Brassey offered to pay for their admission.<sup>171</sup> In 1874 it was observed that the audience at the Working Men’s Meeting was composed of the lower-middle class – ‘foremen, clerks, shopmen, timekeepers, a few better working men’ only.<sup>172</sup> The point was taken up by Sir George Campbell, the Indian administrator and Liberal MP, who regretted he had not heard more at the congress ‘of the views and feelings of those who constituted the bone and sinew of Glasgow’.<sup>173</sup> J. M. Ludlow related that two French journalists of his acquaintance who were in Glasgow in 1874 and ‘who have before attended the Co-operative & Trade Union Congresses were very much struck by the want of purpose and life about this congress of middle-class folk as compared with working men’s congresses’.<sup>174</sup> *The Bee-Hive* complained that the SSA was neither addressing working-class questions nor listening to *bona fide* working men.<sup>175</sup> In 1879 the Bishop of Manchester suggested sending free tickets to trade unions to induce them to attend.<sup>176</sup> In 1883, Hastings called for their return: ‘they would be received with the utmost respect and cordiality, and their opinions heard with advantage and interest by all’.<sup>177</sup> The decline in working-class participation is not difficult to explain. By the mid-1870s the great issues had been settled by legislation, and it was no longer necessary to use the Association to publicise the working-class case. In addition, unions now had their own Congress for the discussion of industrial questions. From the end of the 1860s the Association was no longer seen as sympathetic to the labour movement. Its Committee on Labour and Capital was leading it back on itself, and organised labour’s intellectual proponents ceased to attend its meetings.

<sup>169</sup> *SP* 1873–4, 346–7.      <sup>170</sup> *T* 1871, 572.

<sup>171</sup> *Eastern Daily Press* (Norwich), 4 Oct. 1873, 3; 9 Oct. 1873, 3. *The Times*, 9 Oct. 1873, 7.

<sup>172</sup> *Glasgow Herald*, 3 Oct. 1874, 4. *The Bee-Hive*, 10 Oct. 1874, 7.      <sup>173</sup> *The Times*, 9 Oct. 1874, 4.

<sup>174</sup> J. M. Ludlow to Ludwig Joseph Brentano, 9 Oct. 1874, f. 93.

<sup>175</sup> *The Bee-Hive*, 21 Oct. 1876, 4, 9.      <sup>176</sup> *Manchester Guardian*, 7 Oct. 1879, 8.

<sup>177</sup> *Huddersfield Daily Examiner*, 9 Oct. 1883, 3.

The Association lost the vitalising connection it developed with the industrial working class in the late 1850s, which had brought with it the authority to speak on labour issues.

## X

How should the engagement of the SSA with the mid-Victorian 'labour question' be understood? If we proceed by comparison with other case-studies of the Association's policies and pressure, there are evident differences. Whereas other areas of the Association's work culminated in legislation and reform which it largely determined or at least directly influenced, the trade union legislation of the 1870s owed nothing to the SSA in a direct sense. And whereas in other departments, policy was made by coherent groups of expert protagonists, such as the leaders of the reformatory movement and doctors advocating 'state medicine', the debates on labour and capital were vigorous exchanges between opposing groups in which consensus proved impossible, or could only be achieved by excluding whole constituencies, as occurred from the late 1860s when working men ceased attending.

An accommodating attitude towards the industrial organisations of the working class, enshrined in *Trades' Societies and Strikes*, has generally been taken as the Association's settled view of the matter. Yet that volume, brilliant as it may have been, was a false dawn. In its earliest years the Association attracted groups and individuals with a commitment to integrating the organised working class into British society – men like Ludlow, Hughes, and Lushington – and they influenced the Committee on Trades' Societies and Strikes, making it as serviceable as they could to their objective. As the *Saturday Review* recognised, 'the most active members . . . seem . . . to represent that school of opinion which revolts against the supposed hardness of economical science'.<sup>178</sup> This successful infiltration of the SSA's enquiry by the Christian Socialists pre-eminently, deserves to stand alongside Harrison's later and more celebrated manipulation of the Royal Commission on Trade Unions as another of the services performed by radical intellectuals in the early history of the British labour movement. But as we have seen, there was disagreement among members of the SSA's Committee on Trades' Societies, and Ludlow, at least, did not hide his criticism of the majority's report. The Christian Socialists and Positivists influenced the debate in the earliest years of the

<sup>178</sup> *Saturday Review*, 5 Jan. 1861, 8.

Association, but never controlled it. There were other constituencies at the SSA, including great provincial capitalists and professors of political economy, with a different approach to the labour question.

The SSA was never directly hostile to trade unionism. When Colonel Maude of the Free Labour Society addressed the 1868 congress with an 'onslaught on trades' unions', for example, he found no favour with the audience and was admonished by the chairman, Henry Fawcett.<sup>179</sup> Yet the Association did not stay faithful to its initial acceptance of trade unions as permanent institutions in an industrial society, and as potentially beneficial to the community, but pursued ways of circumventing their influence through co-partnerships, profit sharing, and arbitration. Co-operation was always more acceptable to its members than trade unionism and it threw its weight behind dubious schemes which the workers came to reject as hostile to their interests. While its empirical research had demonstrated that existing models of the way the labour market functioned in classical political economy were at variance with reality, within a decade its panacea for better industrial relations was simply to spread more widely the teachings of 'economic science' – and this at a time when those same teachings were being questioned or refuted, as happened to the wage fund doctrine in the 1860s. Though workers made good arguments in its debates, and attended in the belief that the SSA really was a neutral forum where all might have their say, their papers weren't printed and their speeches ignored. The SSA was a middle-class forum, and could not escape the interests and prejudices of its membership. The more they pulled it towards their view of organised labour, the more it lost the confidence of the workers.

At the heart of the Association's difficulties over the labour question was an unrealistic view of industrial relations. The SSA sought to eradicate industrial strife entirely by encouraging various forms of industrial co-operation and partnership between workers and employers on the premise that conflicts over wages, conditions and the control of the workplace more generally were aberrant and unnecessary. Only find the right mechanism, based on the required incentives for both sides, and the Association believed that reason and self-interest would do the rest: masters and men would see that their interests were essentially conformable and behave accordingly. It was a prevalent view of class and industrial relations at the time and remains current today. But it was also untenable,

<sup>179</sup> *The Bee-Hive*, 10 Oct. 1868, 3.

as the problems with co-partnership and with the mechanisms of conciliation and arbitration demonstrated in the 1870s. The Association's unspoken theory of harmonious industrial relations broke down because workplace conflict could not be eradicated. In comparison, the trade union legislation of the 1870s – over which the SSA had no direct influence – was premised on a mature and sophisticated appreciation of industrial and class relations which accepted the inevitability of difference between labour and capital, and attempted to set a legal framework within which those differences and conflicts could be contained without civil unrest and without the necessity of the state intervening on one side or the other. The state recognised that masters and men would differ and allowed them to determine the outcome for themselves, evening up the contest by granting trade unions a privileged position in law, while maintaining a formal neutrality. This was far beyond the conceptual reach of the middle-class members of the Association whose hostility to the methods that trade unions must use in free collective bargaining compromised their otherwise sympathetic attitude to the elite of the mid-Victorian working class.<sup>180</sup>

In its ambivalence towards organised workers the Social Science Association was at one with the Liberal Party of this period, which, as many historians have explained, could never bring itself to wholly embrace the workers and their interests, and thus began to lose them in the 1880s and 1890s to the precursors of the Labour Party. Nevertheless, it should not be forgotten that the debates on mid-Victorian labour as held in the SSA were rare indeed in the nineteenth-century world, and say much for the relative liberality of the Association and of Victorian Britain more generally. In comparison, the American Social Science Association was resolutely hostile to the fledgling labour organisations in the United States.<sup>181</sup> If the Social Science Association reflected the views of its middle-class members, we should be aware that those views, characterised by grudging acceptance of, rather than enthusiasm for, the institutions of the industrial working class, set them apart from the bourgeoisie in other nations at this time.<sup>182</sup> As Alan Fox has pointed out, when Krupps, the German armaments manufacturers, repressed

<sup>180</sup> I am grateful to Ross McKibbin for help with this point.

<sup>181</sup> See Lawrence Goldman and Sanford Elwitt, 'Debate: Social Science, Social Reform and Sociology', *Past and Present*, 121 (Nov. 1988), 209–19.

<sup>182</sup> Kirk, *Change, Continuity and Class*, 51. Ross McKibbin, 'Why was there no Marxism in Great Britain?' in Ross McKibbin, *The Ideologies of Class: Social Relations in Britain 1880–1950* (Oxford, 1990), 28. Eric Hobsbawm, 'Trends in the British Labour Movement Since 1850' in E. Hobsbawm, *Labouring Men: Studies in the History of Labour* (London, 1964), 336.

their workers with force they were sent the Kaiser's congratulations. But when Sir William Armstrong confronted the Tyneside engineers in 1871 he could count on the support of neither public opinion nor the government. All he received were the good offices of a delegation of industrial mediators from the Labour and Capital Committee of the Social Science Association.<sup>183</sup>

<sup>183</sup> Fox, *History and Heritage*, 169.

## CHAPTER 8

### *The Social Science Association and middle-class education: secondary schooling, endowments, and professionalisation in mid-Victorian Britain*

The Social Science Association considered all stages of education – elementary, secondary, higher, and what we would now call continuing – and all aspects of learning, from the curriculum and the training of teachers to the design of school buildings. It placed its greatest emphasis, however, on the promotion of ‘middle-class education’, so-called. This reflected its members’ natural interests as well as the objectively poor state of provision for the sons and daughters of the bourgeoisie at mid-century. As the *Birmingham Daily Press* explained after the SSA’s first congress,

The people discussing . . . [middle-class education] are those whom it directly affects, and it becomes the class which has been admitted to a great amount of political influence, and which is responsible for the commercial prosperity of the country, to assert their right to all the advantage and all the consideration which the highest kind of education, and the honours which have hitherto attended it, can confer.<sup>1</sup>

The Association was able to bring leading figures together to debate the issues and it foreshadowed subsequent national developments in its early discussions. Its pressure forced action from the state at one crucial moment in 1864 when the Schools Inquiry Commission, the so-called Taunton Commission, which examined the subject in legendary detail, was appointed. The Association fulfilled its role as the pre-eminent forum for women’s causes by helping to secure consideration of girls’ education in the process of reform. Those central figures charged by parliament with the implementation of change, the three Endowed Schools Commissioners appointed under the terms of the 1869 Endowed Schools Act, had all been participants in the SSA during the 1860s, and they developed a policy influenced largely by the Association. In other areas of its work, such as public health, the SSA lost control of the details of reform once government assumed control. In this case the Association

<sup>1</sup> *Birmingham Daily Press*, 19 Oct. 1857, 2.

and Gladstone's first administration marched together – but straight into controversy and political opposition which, after 1874, severely curtailed the extent and nature of the changes possible in secondary education. The history of the SSA's engagement with middle-class education thus helps to place the Association ideologically, for the issues unlocked by the reform of educational endowments under the Endowed Schools Act were politically fundamental. The SSA also attracted reformers anxious to improve schooling by adopting a new strategy of the age, the professionalisation of secondary teachers, and it played host to interesting if indecisive debates on how this might be achieved. It may stand as an example of the Association's role representing the professional strategies of several different groups from the 1850s.

## I

To the Social Science Association, as to Victorians in general, the question of secondary education meant 'middle-class education'.<sup>2</sup> The Association reflected the paradigmatic assumption that types and levels of schooling were designed for types and levels of children according to their social background and likely employment.<sup>3</sup> Middle-class education thus denoted, in the words of Joshua Fitch, the schools' inspector, 'the instruction of those persons who live by labour in trades, or in the lower professions, and who constitute what is commonly understood by the vague term "middle class"'.<sup>4</sup> They tended to educate their children in the old grammar schools, foundations frequently dating back to the sixteenth and seventeenth centuries, and the private 'proprietary' schools that had grown up since the eighteenth century. By universal consent, such schools gave a poor education. According to Sir James Kay-Shuttleworth in a paper to the Association in 1866, 'the education of the middle class is generally in a chaotic state'.<sup>5</sup>

Since the 1830s and the first parliamentary grants for elementary education administered by the religious societies, the opportunities for

<sup>2</sup> Matthew Arnold, 'A French Eton or Middle-Class Education and the State' (1863) in R. H. Super (ed.), *The Complete Prose Works of Matthew Arnold* (11 vols.), vol. ii: *Democratic Education* (Ann Arbor, Mich., 1962), 291. Arnold had imported the term 'secondary education' from France. See Olive Banks, *Parity and Prestige in English Secondary Education. A Study in Educational Sociology* (London, 1955), 1. See also A. Robertson, '"But What is a Middle Class School?" Determining the Terms of Reference of the Taunton Commission, 1864', *History of Education Society Bulletin*, 16 (1975), 21–31.

<sup>3</sup> G. Sutherland, 'Secondary Education: The Education of the Middle Classes' in Gillian Sutherland (ed.), *Education, Government and Society in Nineteenth-Century Britain. Commentaries on British Parliamentary Papers* (Dublin, 1977), 150. Geoffrey Best, *Mid-Victorian Britain 1851–1875* (London, 1973), 170.

<sup>4</sup> *T.1864*, 387. <sup>5</sup> *T.1866*, 347.

the poor had expanded, backed by inspection and certification of teachers by the state. It was widely believed, indeed, that the education of the children of the manual working class in National Schools was superior to that enjoyed by most children at 'middle-class' schools.<sup>6</sup> Meanwhile, the great public schools for the wealthy had reformed themselves since the 1820s and new schools for the sons of higher professionals had been founded. However, as one Oxford don told the Association in Liverpool in 1858, 'there is no reason to believe that a corresponding improvement has taken place in the training provided for the intermediate classes'.<sup>7</sup> It was a national scandal in a decade that seemed to show the strategic value of superior education in the histories of Germany and Italy.<sup>8</sup> And it was a scandal that had been long and widely lamented.<sup>9</sup> Criticism of secondary education at this time is usually associated with Matthew Arnold and his more general efforts to encourage a higher culture among the middle classes, as expressed in *Culture and Anarchy*.<sup>10</sup> But Arnold's frustration with a class that set little store by education, and his adverse comparisons of English education with education in France and Prussia,<sup>11</sup> had found pained expression at the first congresses of the SSA where successive speakers set out the multiple failings of English secondary schools. As Thomas Dyke Acland, a pioneer in the improvement of schooling who helped devise the Oxford 'local examinations' in 1857–8,<sup>12</sup> told the SSA at its Bradford congress, 'the material facts are so generally known [and] the conclusions to be drawn from the facts have been discussed with so much ability by the public journals'.<sup>13</sup> It was now time for action.

Yet action in whose interests? The middle class was not one thing but several different sections with different aspirations. There were tensions between a more affluent section keen to turn grammar schools into classical academies preparing boys for university entrance and professional life, for which they were willing to pay fees, and petit bourgeois families, with limited and local horizons, who required from the grammar schools

<sup>6</sup> John Roach, *Public Examinations in England, 1850–1900* (Cambridge, 1971), 35–9.

<sup>7</sup> *T.1858*, 213 (Henry Smith, Fellow and Tutor in Mathematics, Balliol College). D. I. Allsobrook, *Schools for the Shires. The Reform of Middle-Class Education in Mid-Victorian England* (Manchester, 1986), 3–4.

<sup>8</sup> See Sir James Kay-Shuttleworth, *T.1866*, 347.

<sup>9</sup> David Owen, *English Philanthropy 1660–1960* (Cambridge, Mass., 1964), 247–9.

<sup>10</sup> Gillian Sutherland, 'Introduction' in Gillian Sutherland (ed.), *Matthew Arnold and Education* (Harmondsworth, 1973), 9–17.

<sup>11</sup> Matthew Arnold, 'Introduction: Democracy' from Matthew Arnold, *The Popular Education of France* (1861) in Super (ed.), *Complete Prose Works of Matthew Arnold*, ii, 1–29.

<sup>12</sup> Lawrence Goldman, *Dons and Workers. Oxford and Adult Education Since 1850* (Oxford, 1995), 19–20.

<sup>13</sup> *T.1859*, 299.



a tradesman's education, hitherto provided free under the terms of the original foundation.<sup>14</sup>

The improvement of the *elementary* schools seemed to provide the required opportunities for the lower-middle class. Yet they refused to educate their children with those of the workers, and resisted the trend, and from the late 1860s, the policy, of remodelling grammar schools to fit the needs of the haute bourgeoisie.<sup>15</sup> The problem was compounded by the 'religious difficulty' as it affected lower-middle class nonconformists. Most of the new elementary schools were Anglican and controlled by the National Society, and many of the grammar schools were either established as Anglican foundations or were construed by the courts as such, with corresponding Anglican curricula and governing bodies. Not surprisingly, nonconformists sought reforms that would end the influence of the established church over secondary education. Thus, for the lower-middle classes in general, and for dissenters among them in particular, opportunities for the education of their children seemed, if anything, to be narrowing in the 1850s and 1860s.<sup>16</sup>

The one hopeful sign was the movement for public examinations, an innovation embodying the spirit of mid-Victorian liberalism which aimed to make society more open and meritocratic.<sup>17</sup> The effects of reform of the civil service on competitive principles rippled through the fragments of the education system. It stimulated the improvement of university standards and the standards of the schools sending young men to Oxford and Cambridge.<sup>18</sup> It was intrinsic to arguments in favour of educational competition that examinations had long-term effects on institutions as well as immediate effects on individuals. Children would go to schools with proven records of success; schools could be compared according to objective measures of attainment.<sup>19</sup> This was the rationale behind 'local examinations' – often called 'middle-class examinations' – introduced in the late 1850s by both Oxford and Cambridge. They were desirable

<sup>14</sup> J. Michael Sanderson, 'The Grammar School and the Education of the Poor, 1786–1840', *British Journal of Educational Studies*, 9 (1962–3), 28–43.

<sup>15</sup> Royal Commission to Inquire into Education in Schools in England and Wales (Schools Inquiry or Taunton Commission, hereafter SIC) (21 vols.), vol. 1: *Report of the Commissioners*, PP 1867–8, XXVIII, pt 1, 90, 297. P. J. Dixon, 'The Lower Middle Class Child in the Grammar School: A Lancashire Industrial Town 1850–75' in Peter Searby (ed.), *Educating the Victorian Middle Class* (History of Education Society, Leicester, 1982), 69–70.

<sup>16</sup> F. E. Balls, 'The Endowed Schools Act 1869 and the Development of the English Grammar Schools in the Nineteenth Century. Pt. 1. The Origins of the Act', *Durham Research Review*, 5 (Sept. 1967), 207–15.

<sup>17</sup> Sir Stafford Northcote, 'On Competitive Examinations for the Civil Service', *T.1859*, 279.

<sup>18</sup> Roach, *Public Examinations in England*, 33–4. Horace Mann, 'The Best Mode of Practically Working the Plan of Competition for Civil Appointments', *T.1858*, 210–11.

<sup>19</sup> *T.1862*, 241.

qualifications for the schoolchildren who passed them, but they were also a way of establishing an approved curriculum, raising standards, and providing a measure of attainment in schools.<sup>20</sup> The wider question of the provision and funding of secondary education remained to be tackled, however, and it was in order to bring some institutional coherence to the ramshackle organisation of secondary education in England that the SSA called for the appointment of a Royal Commission in 1864, sending a delegation to Palmerston to put the case for investigation. As a direct consequence the Taunton Commission was established.

The commissioners saw their main purpose as the adaptation of endowments no longer fulfilling a useful function. Reform was premised on reapplying such monies as already existed for secondary education rather than attracting new funds. The state would assist in the administration of these processes but did not make resources available to expand provision until the twentieth century. The commission concluded that the free education of local children in many endowed schools, was, paradoxically, a cause of educational failure: attracting the children of the poor and lacking regulation or incentive, such schools were providing a correspondingly poor education.<sup>21</sup> Meanwhile the presence of children of the lower classes deterred middle-class parents, who sent their children elsewhere. Funds which might be advantageously applied to the improvement of secondary education were being wasted on basic instruction better given in government-aided elementary schools.<sup>22</sup> They should be used, alongside fees, to construct a network of secondary schools, offering different curricula according to social status, but making it possible for some children from humble backgrounds to go on to the universities and professions.<sup>23</sup> Remarkably, the direct appeal of Emily Davies and others, fresh from the SSA's 1864 congress at York, to include girls' education in the Commission's remit, which was channelled through Lord Lyttelton, was successful.<sup>24</sup> The commissioners took

<sup>20</sup> J. G. Fitch, 'Examination Schemes and Their Incidental Effects on Public Education', *T.1858*, 220.

<sup>21</sup> John Roach, *A History of Secondary Education in England, 1800-1870* (Harlow, 1986), 287.

<sup>22</sup> SIC, 1, 106.

<sup>23</sup> On the three grades of endowed secondary school advocated by the Commission, see Brian Simon, 'Systematisation and Segmentation in Education: The Case of England'; Hilary Steedman, 'Defining Institutions. The Endowed Grammar Schools and the Systematisation of English Secondary Education' and David Reeder, 'The Reconstruction of Secondary Education in England 1869-1920' in D. K. Müller, F. Ringer, and B. Simon (eds.), *The Rise of the Modern Educational System* (Cambridge, 1987), 99-101; 111-34; 137-41.

<sup>24</sup> Sheila Fletcher, *Feminists and Bureaucrats. A Study in the Development of Girls' Education in the Nineteenth Century* (Cambridge, 1980), 18-20; Sutherland, 'Secondary Education', 145. See Emily Davies to

evidence from several women educationists, including Miss Buss of the North London Collegiate School for Girls, and Miss Beale, Headmistress of Cheltenham Ladies' College, as well as Emily Davies herself. They accepted the argument that founders had never intended to exclude girls from education in an endowed school established for 'children' and recommended that any subsequent enactment provide for girls as for boys.<sup>25</sup> This signal success for the women's movement depended on close personal contacts between 'feminists and bureaucrats'.<sup>26</sup> The most important relationship was between Lyttelton and Davies: at the SSA in 1868, Lyttelton paid tribute 'to the exertions of excellent and energetic persons, such as Miss Emily Davies, who are attempting to give large extension to the educational appliances in this country for women'.<sup>27</sup>

The commission found secondary provision atomised among schools acting without reference to wider needs.<sup>28</sup> It sought to give some system to secondary provision, recommending not only a new central agency to consider each 'scheme' for reforming endowed schools but new provincial authorities to oversee the organisation of secondary schooling in localities.<sup>29</sup> The commissioners' focus on local control of endowed schools was a positive response to a strategy designed to confirm traditional social cohesion in the shires and prolong the local influence of the landed classes. A section of opinion in the 1850s with rural and liberal-Anglican roots had led the national debate, and its ideas informed the commission's endorsement of local management of the reorganised schools in the counties.<sup>30</sup> The commission recommended three different levels of secondary school to cater for the children of smaller tradesmen, the more prosperous bourgeois families, and members of professions respectively, with different curricula and leaving ages accordingly. Many of its recommendations were radical – too radical as it transpired<sup>31</sup> – but in grading schools the Taunton Commission was the apotheosis of

Lyttelton, 8 Oct. 1864, in Robertson, "‘But What is a Middle Class School?’", 28, and Lyttelton's reply: 'Dear Miss Davies, I have no doubt girls are to be included in our Commission, which is to enquire into the "education of the middle class" generally.' Lord Lyttelton to Emily Davies, 11 Oct. 1864, Emily Davies papers, Box v, 2, Girton College, Cambridge.

<sup>25</sup> S. Fletcher, *Feminists and Bureaucrats*, 21, 25. R. L. Archer, *Secondary Education in the Nineteenth Century* (1921) (London, 1966 edn), 244–7.

<sup>26</sup> For evidence of the sympathetic relations between women educationists and the Taunton Commission, see the helpful letters from the commission's secretary, Henry Roby, to Emily Davies. Davies papers, v, 11–16, 18, 20, 27, 1865–7.

<sup>27</sup> *T.1868*, 73. <sup>28</sup> SIC, 1, 223.

<sup>29</sup> *Ibid.*, 1, 627–9. P. H. J. H. Gosden, *The Development of Educational Administration in England and Wales* (Oxford, 1966), 59–61; Roach, *History of Secondary Education*, 278–9.

<sup>30</sup> Allsobrook, *Schools for the Shires*, 53, 261–5. <sup>31</sup> Owen, *English Philanthropy*, 253.

Victorian class-determined attitudes to education. Scholarships should be available for gifted children from the elementary schools to enter this new network,<sup>32</sup> but, in essence, the commission recommended that endowments given for free education should be redeployed to solve the problems of the middle classes. Efficient use of endowments in the interests of one class triumphed over broader considerations of social equity and the intentions of founders and donors.<sup>33</sup> The commissioners contended that specific educational benefactions were, in essence, the property of the wider community.<sup>34</sup> The radicalism of this view became clear when the Endowed Schools Commission began its work under the 1869 Endowed Schools Act.<sup>35</sup>

This largely followed the findings of the Taunton report. Under it, a Commission was created with the power to make 'schemes' that 'may render any educational endowment most conducive to the advancement of the education of boys and girls', presenting them to parliament for approval.<sup>36</sup> Powers were given to the Commissioners under Section 9 to alter, remodel, and consolidate endowments, and under Section 10 to dissolve a school's governing body, or change it in any manner.<sup>37</sup> Religion could no longer be used as a test for membership of a governing body (Section 17), nor had masters in endowed schools to be in holy orders (Section 18), though in cases where the religious character of the school as laid down by the founder was unambiguous, Section 19 allowed for these conditions to be waived. The three Commissioners were given powers to apply non-educational charities established before 1800 and no longer considered to be fulfilling a useful social function – generally for different forms of poor relief – to educational ends.<sup>38</sup> Overall, the Act gave the Commissioners remarkable powers but little guidance. Given

<sup>32</sup> A. Wooldridge, *Measuring the Mind. Education and Psychology in England, c.1860–c.1990* (Cambridge, 1994), 173–4. On the obstacles in the path of working-class boys seeking to avail themselves of these scholarships see Peter Gordon, 'The Endowed Schools and the Education of the Poor 1869–1900', *Durham Research Review*, 17 (Sept. 1966), 47–58.

<sup>33</sup> SIC, I, 115. B. Simon, *The Two Nations and the Educational Structure 1780–1870* (London, 1974 edn), 318–36. For an alternative view, see G. Gomez, 'The Endowed Schools Act, 1869 – A Middle-Class Conspiracy? The South-West Lancashire Evidence', *Journal of Educational Administration and History*, 6, 1 (Jan. 1974), 9–18 and Dixon, 'The Lower Middle Class Child in the Grammar School', 57–70. Gomez and Dixon (who investigated Preston) argue that the middle classes had taken control of grammar schools before the Taunton Commission.

<sup>34</sup> SIC, I, 619.

<sup>35</sup> W. L. Burn, *The Age of Equipose. A Study of the Mid-Victorian Generation* (1964) (New York, 1965 edn), 201.

<sup>36</sup> 32 and 33 Vict. c. 56, section 9. S. Fletcher, *Feminists and Bureaucrats*, 25–6; J. Roach, *Secondary Education in England 1870–1902* (Harlow, 1991), 5–7.

<sup>37</sup> Archer, *Secondary Education in the Nineteenth Century*, 170.

<sup>38</sup> Gosden, *The Development of Educational Administration*, 62–3.

that they were only appointed for three years with a possible extension for a further year, it seems that government's purpose was an unrealistically rapid reorganisation of the institutional basis of secondary education as a preliminary to the construction of a more permanent system.<sup>39</sup>

However, that systematisation never came. It had been intended to pass the measure in two parts, but only the first, for the reorganisation of endowments, formed the 1869 Endowed Schools Act. The second part of the proposed measure, concerned with the regulation of the reformed schools, was dropped in 1869 because of pressure of business, and was never enacted subsequently because of the controversy it aroused. It would have created a central Educational Council, with provincial councils under it, to monitor the endowed schools, inspect them, examine the pupils, and maintain a register of qualified teachers. Many governing bodies, headmasters, and schoolmasters, especially those from the higher grade of secondary schools, as well as proprietors of private schools, saw these proposals as unwarranted state intervention.<sup>40</sup> Their opposition in 1869, and the subsequent disquiet caused by the Commission's interpretation of its brief, put paid to the idea of central regulation. Though the legislation made a difference to individual schools and educational provision in specific localities, it did not form the basis for a national *system* of secondary education.<sup>41</sup>

The reform of the endowed schools came to rest with the Endowed Schools Commission alone. It must join the Poor Law Commission of the 1830s and the General Board of Health of 1848–1854 as one of the three most controversial administrative agencies in the nineteenth century. Given its sweeping powers, the interests that opposed it, and the technical complexity of remodelling outmoded endowments into acceptable 'schemes', its notoriety should not be surprising. It did not help that the three men given these powers were avowed Liberals and already closely associated with the processes they were now to administer impartially. Lord Lyttelton, the conscientious, high-minded, intellectual chief commissioner, had been a member of the Taunton Commission, was one of Gladstone's brothers-in-law, and was notably close to the

<sup>39</sup> W. E. Forster, *Hansard*, 3rd series, CXCV, 1372, 15 March 1869.

<sup>40</sup> Roach, *Public Examinations in England*, 233; P. Gordon, 'Some Sources for the History of the Endowed Schools Commission, 1869–1900', *British Journal of Educational Studies*, 14 (1965–6), 3, 60; Balls, 'The Endowed Schools Act 1869', 207; P. Stansky, 'Lyttelton and Thring: A Study in Nineteenth-Century Education', *Victorian Studies*, 5, 3 (March 1962), 205–23; B. Webb 'Special Supplement on English Teachers and their Professional Organisation', pt ii, *The New Statesman*, 5 (2 Oct. 1915), 15.

<sup>41</sup> Roach, *A History of Secondary Education*, 289–90; Sutherland, 'Secondary Education', 157.

prime minister. Arthur Hobhouse, later Baron Hobhouse, was a successful barrister and Charity Commissioner, whose experience of the mismanagement of charities had made him a committed reformer.<sup>42</sup> Canon Hugh Robinson, a barrister as well as a priest and so doubly qualified, had been principal of an elementary teacher-training college and was a friend of W. E. Forster.<sup>43</sup> It was gratifying to the SSA 'that all three were old and valued members of the Association'.<sup>44</sup> Meanwhile the secretary of the commission was Henry Roby. He had been secretary to the Taunton Commission and was variously a Cambridge don, schoolmaster, cotton manufacturer, and Liberal MP. As a partisan for girls' education he was an ally of Emily Davies.<sup>45</sup>

As Lyttelton told the SSA in July 1869, 'he still doubted whether the managers of endowed schools had not some cause of complaint in not being placed under the control of men of less pronounced views on this subject than himself . . . and Mr. Hobhouse'.<sup>46</sup> He had initially declined the position precisely because he had already made known his radical views but was overwhelmed by his brother-in-law.<sup>47</sup> Even worse, the commission's members *continued* to set out their ideas in public. Lyttelton and Hobhouse came to meetings of the Association in the summer of 1869 to discuss the reform of endowments after their appointment.<sup>48</sup> Lyttelton appreciated 'that there was some delicacy in a person holding an official position, or about to hold one, discussing, in an abstract way, topics on which he had to administer the law'.<sup>49</sup> Yet Hobhouse had no reservations: 'he did not think that having to administer the law in any capacity ought to put any restriction upon him'.<sup>50</sup> This was music to the ears of Edwin Chadwick: that public servants should be free to speak out and make policy according to their expertise was almost the major theme of his career. He found it 'highly refreshing to have a precedent set of commissioners-designate coming forward before their appointments are confirmed, and expounding clearly. . . the principles and views upon which they are prepared to act'.<sup>51</sup> But we may think Hobhouse naive, if not mischievous, and Chadwick misguided. Frank declarations of radical principles before assuming their positions antagonised many and compromised the commissioners themselves.<sup>52</sup> One attack on them focused

<sup>42</sup> L. T. Hobhouse and J. L. Hammond, *Lord Hobhouse. A Memoir* (London, 1905); Allsobrook, *Schools for the Shires*, 125–7.

<sup>43</sup> Boase, *Modern English Biography*, III, 226. <sup>44</sup> *T.1870*, 90.

<sup>45</sup> *DNB* 1912–21, 473–5; S. Fletcher, *Feminists and Bureaucrats*, 19–21. <sup>46</sup> *SP* 1868–9, 610.

<sup>47</sup> Owen, *English Philanthropy*, 255. <sup>48</sup> *SP* 1868–9, 459–79; 583–608. <sup>49</sup> *Ibid.*, 639.

<sup>50</sup> *Ibid.* <sup>51</sup> *Ibid.*, 617–18. <sup>52</sup> Roach, *Secondary Education in England*, 8.

specifically on the contributions made by Lyttelton and Hobhouse at the SSA after their appointments to illustrate that they were unfit for their positions.<sup>53</sup>

The commissioners took the recommendations of the Taunton report 'as their principal guides on those points on which the Act itself does not speak'.<sup>54</sup> But in following the recommendations of this 'radical-collectivist document'<sup>55</sup> they were bound to incite opposition, for it deliberately sought to disrupt the religious, social, and educational traditions that it held responsible for the state of secondary education. At the SSA in 1868 Lyttelton had explained what 'practical measures' might be expected in the process of reforming educational endowments:

They might be such as the consolidation of endowments, as where one good district school might be made out of many small and useless ones; transfer of endowments from parts where they are superfluous, or even mischievous, to parts where they are rare and might be made useful; commutation of unprofitable or pernicious local privileges, such as indiscriminate gratuitous schooling, into scholarships at superior schools for the best talent of the district so dealt with; power to regulate the appointment of Trustees, power to rid of bad Trustees, power to rid of bad or incompetent Masters, power to reform and reconstitute schemes of study, area of selection of boys, and so forth.<sup>56</sup>

There were many interests likely to be antagonised by this remarkable agenda; it was full of 'power', but lacking in sensitivity and wisdom. In their attitude to the remodelling of hitherto exclusively Anglican foundations the Commissioners were accused of bias against the established church, and of being part of a wider Liberal campaign against establishment.<sup>57</sup> They ran into obstructions in the House of Lords, which rejected several 'schemes' that sought to end the exclusive association of certain schools with the established church.<sup>58</sup> The Commissioners also drew fire from angry rate-payers whose local elementary schools had been supported by endowments drawn from charities originally established to subsidise secondary education. This cross-subsidy was no longer possible under the terms of the Endowed Schools Act. This in turn had religious implications, since many Anglican elementary schools would

<sup>53</sup> [Anon.], *The Endowed Schools Commission: Shall It be Continued?* (London, 1873), 18–19.

<sup>54</sup> Report of the Endowed Schools Commissioners to the Committee of Council on Education, PP 1872, XXIV, 45. On the Commission's work see Owen, *English Philanthropy*, 256–62.

<sup>55</sup> Burn, *Age of Equipoise*, 201. <sup>56</sup> T.1868, 67.

<sup>57</sup> S. Fletcher, *Feminists and Bureaucrats*, 121–4. P. T. Marsh, *The Victorian Church in Decline. Archbishop Tait and the Church of England 1868–1882* (London, 1969), 68–72.

<sup>58</sup> Balls, 'The Endowed Schools Act 1869... Pt. 2. The Operation of the Act', *Durham Research Review*, 5 (April 1968), 219–20.

now require rate-support, and so come under non-Anglican influence, if not outright control.<sup>59</sup>

There were problems also whenever a scheme involved lowering the status of an endowed school. Parents who aspired to send their sons into the professions could not accept the downgrading of a local school to a level below that required for university entrance.<sup>60</sup> In addition, the remodelling of ancient endowments in accordance with the ideas of the Taunton Commission deprived some children of a free education.<sup>61</sup> It was easy to present this as removing the historic entitlements of the poor and applying them to the greater benefit of the rich. This was the argument used in 1871 when the Lords rejected the 'scheme' remodelling the Emanuel Hospital foundation in Westminster.<sup>62</sup> This was the moment when disquiet turned to outrage, and when the liberal individualism and meritocratic assumptions implicit in the commission's hostility to doles and eleemosynary charities were confronted by a style of tory paternalism extolling the virtues of an ancient foundation established, in Salisbury's words, 'to feed the hungry, to clothe the naked and to educate the poor'.<sup>63</sup> As Hobhouse admitted ruefully at the Social Science Association, 'the events of the last few months had convinced him that they were still in the missionary stage of the contest'.<sup>64</sup>

Once the implications of the 1869 Act were understood, the Endowed Schools Commission became the object of public scorn.<sup>65</sup> Lyttelton and his fellows defended themselves, arguing that they were discharging their duty faithfully under the 1869 legislation. And Liberal MPs made the same case when, following the Conservative election victory in February 1874, the work of the Endowed Schools Commission, under the Endowed Schools Act Amendment Act, was curtailed and transferred to the Charity Commission. This was a signal moment, for the 1874 Act was probably the first case of the repeal of a measure by an incoming administration in British parliamentary history, and was contested by Liberal MPs for that reason alone.<sup>66</sup> The Charity Commission was more cautious, lacking the expertise and zeal which had inspired

<sup>59</sup> Ibid., 222–3.

<sup>60</sup> Ibid., 220. The issue usually turned on the teaching of Greek, which was required for entrance to Oxford and Cambridge.

<sup>61</sup> M. Sanderson, *Education, Economic Change and Society in England 1780–1870* (London, 1983), 34.

<sup>62</sup> Hobhouse and Hammond, *Lord Hobhouse*, 40–3; S. Fletcher, *Feminists and Bureaucrats*, 75–6; Allsobrook, *Schools for the Shires*, 125, 242–51.

<sup>63</sup> Simon, *The Two Nations and the Educational Structure*, 325–6, 334–5; Balls, 'The Operation of the Act', 225; Gosden, *The Development of Educational Administration*, 67–8.

<sup>64</sup> *SP 1870–1*, 453.

<sup>65</sup> Ibid., 454.

<sup>66</sup> *Hansard*, 3rd series, CCXX, 1707–8; H. C. G. Mathew, *Gladstone 1809–1874* (Oxford, 1986), 175.



Lyttelton and Hobhouse, though Robinson, a less controversial figure, became a Charity Commissioner himself. It reorganised schools at a much slower pace for the rest of the century.<sup>67</sup> But long before then the Endowed Schools Act had ceased to count: even had the Endowed Schools Commissioners been allowed to complete their work, there was little prospect of constructing a system of secondary education able to cater for the needs of all children on the basis of private endowments. One contributor to the SSA in 1875 estimated that the annual value of all endowments for secondary education was about £280,000, which was simply not enough.<sup>68</sup> The relatively few fee-charging secondary schools that had been established could not form the basis of the national system originally envisaged by the Taunton Commission. That waited upon action by the state in the 1902 Education Act.<sup>69</sup> As Hastings told the 1872 congress, 'Nothing less than the collective action of the nation can give us the supply of secondary schools we require.'<sup>70</sup>

The failure of secondary-school reform in the 1860s and 1870s was attributable to the radicalism of those who controlled the process. Mid-Victorian liberalism had fixed on outmoded charities, which usually meant those giving unmerited material assistance, as an object for reform. In the view of reformers, the 'dead hand' of a benefactor or founder, extending as from the grave, should not prevent the more efficient use of endowments.<sup>71</sup> But the courts, applying the *cy pres* rule ('as nearly as maybe'), generally regulated charities on terms as near as possible to the intentions of founders.<sup>72</sup> Hobhouse thought it absurd to allow 'the dead to have anything to do with the regulation of property when their wishes conflicted with the welfare of the living'.<sup>73</sup> He could not accept 'that you allow endowments to be administered at the will of a dead man, who cares nothing for the eye of the public, who does not know or care anything for the wants of the present day, and who is utterly careless also to the voice of Parliament'.<sup>74</sup> Lyttelton agreed: as he told the 1868 congress, 'Property is not the property of the dead, but of

<sup>67</sup> S. Fletcher, *Feminists and Bureaucrats*, 151; Roach, *Secondary Education in England*, 58.

<sup>68</sup> F. Merrifield, 'Is a Fair Proportion of the Endowments of the Country Applicable to Female Education?' *Tr* 1875, 435-45. He estimated that girls' education received 10 per cent of the total sum. See Owen, *English Philanthropy*, 274.

<sup>69</sup> Banks, *Parity and Prestige in English Secondary Education*, 13-14; Roach, *Secondary Education in England*, 3, 24, 244-5.

<sup>70</sup> *Tr* 1872, 59.

<sup>71</sup> Arthur Hobhouse, *The Dead Hand. Addresses on the Subject of Endowments and Settlements of Property* (London, 1880).

<sup>72</sup> Roach, *A History of Secondary Education*, 285-6.

<sup>73</sup> *SP* 1868-9, 644. <sup>74</sup> *SP* 1870-1, 454.

the living.<sup>75</sup> His brother-in-law also concurred. As Gladstone had written to him in 1861, 'It is our habit in this country to treat private interests with an extravagant tenderness. The truth is that all laxity and extravagance in dealing with what in a large sense is certainly public property, approximates more or less to dishonesty, or at least lowers the moral tone of the persons concerned.'<sup>76</sup> Many propertied men would have shuddered had they learnt of Hobhouse's self-confessed *idée fixe* – that 'wealth, in order to be useful, ought continually to be used and controlled by those who have the greatest interest in it'.<sup>77</sup> Different interests – Anglicans, parents, trustees, governors, and local corporations – were antagonised by the Endowed Schools Act and opposed it on pragmatic or self-interested grounds. But they were also moved to principled protest against a measure which tampered with the will of the past and the act of charity itself and threatened the sanctity of private property. Hobhouse told the SSA in 1869 that in his view, 'there never should be one moment of time at which it should be possible to say that the existing generation of men on the face of the earth could not deal with the whole of the property on the face of the earth'.<sup>78</sup> He was answered by a clergyman with a sense of history which the radicals lacked: 'If they were to cut themselves off, and say they had nothing to do with the past, and nothing to do with posterity, they would only intensify the selfishness of the present generation, and threaten the progress of civilisation.'<sup>79</sup> That the Endowed Schools Act was approved by the SSA in the 1860s and early 1870s is powerful evidence of its intrinsic liberalism. Indeed, the Association's ideas on the reform of secondary education specifically seem to take it beyond mainstream liberalism towards a type of impatient, unhesitating, but ultimately ill-advised radicalism.

## II

Historians have found the SSA's *Transactions* 'an important organ of progressive opinion' on these questions, and have noted its capacity to attract key figures in the national debate.<sup>80</sup> Of the Taunton Commissioners, 'about half... had presented papers, sat in committees or in other ways exerted themselves' at the SSA.<sup>81</sup> It seemed so central to national discussions that one Yorkshire schoolmistress who gave evidence 'insisted in regarding the Commission as a branch of the

<sup>75</sup> *T.1868*, 65–6.

<sup>76</sup> J. Morley, *The Life of William Ewart Gladstone* (2 vols., London, 1905 edn), 1, 946.

<sup>77</sup> Hobhouse, *The Dead Hand*, viii. <sup>78</sup> *SP 1868–9*, 640. <sup>79</sup> *Ibid.*, 631.

<sup>80</sup> Roach, *Public Examinations in England*, 107–8; Allsobrook, *Schools for the Shires*, 144–5.

<sup>81</sup> Fletcher, *Feminists and Bureaucrats*, 19.

Social Science Association'.<sup>82</sup> Lyttelton, Hobhouse, and Robinson all gave papers to the SSA on secondary education before being appointed Commissioners. Two vice-presidents of the Committee of Council, who were charged with ministerial oversight of education, W. F. Cowper and H. A. Bruce, came to congresses while holding office – Cowper in 1857 and 1858, and Bruce in 1864 and 1866 – and participated in debates on middle-class education. Bruce was apparently sent in order that ministers could 'put their own evolving conclusions in a wide perspective'.<sup>83</sup> As he wrote to Granville, the Lord President and his ministerial chief, in September 1864, 'I shall attend as "auditor tantum" – It will give me an opportunity of hearing a great variety of opinions as to what ought to be, and what can be done'.<sup>84</sup>

Brougham had been personally committed to the reform of educational endowments to ensure their most effective use for half a century – since 1816 and the establishment of the Select Committee on the Education of the Poor in the Metropolis, the proximate origin of the later Charity Commission.<sup>85</sup> But the everyday anxieties of the SSA's middle-class members made this a compelling issue automatically and from the start of its history. The Association's engagement went through several stages. Until the early 1860s most contributions expressed grievances and demonstrated the need for reform. From the establishment of the Taunton Commission, however, the debate changed to review 'the different methods whereby the education of the middle classes may be extended and improved'.<sup>86</sup> The SSA, with so many informal links to the Commission, was now planning and suggesting. Once the Endowed Schools Commission was set up, the Association gave it support and protested when the Commission was criticised and disbanded. After 1874, as in the nation generally, the debate at the Association lost its way: the reformers' campaign had failed, discussion focused on details, and then dried up for a decade. The cause did not die, however, for at the last congress in 1884 an enquiry was suggested, and subsequently established, under the chairmanship of the Cambridge educationist and historian Oscar Browning, 'to consider the organization of secondary education in England, and its relation with the State'.<sup>87</sup> Nothing came

<sup>82</sup> J. G. Fitch, 'General Report on the West Riding of the County of York', SIC, VIII, 278–9.

<sup>83</sup> Allsobrook, *Schools for the Shires*, 184.

<sup>84</sup> Bruce to Granville, 17 Sept. 1864, quoted in Robertson, "'But What is a Middle Class School?'" , 27–8.

<sup>85</sup> Owen, *English Philanthropy*, 184–91.

<sup>86</sup> Revd Canon Robinson, 'Suggestions for the Improvement of Middle Class Education', *T.1864*, 367–79.

<sup>87</sup> *T.1884*, 382.

of this last campaign, however: the SSA was too marginal by the 1880s to elicit comprehensive replies to its questionnaires, and the political class was focused on other issues. It is evidence nonetheless of the Association's enduring commitment to secondary education, and though the sources are thin, they suggest that it was coming to rest its hopes on concerted action by the state.<sup>88</sup>

The SSA's discussions in the 1850s and 1860s were dominated by the reformers. There was little hesitation in using the power of the state to break outmoded bequests. Nor was there a fear at the SSA of 'centralisation': local interests were held accountable for the mess, and it would require central authority to set things right. The SSA's attitude to endowed schools, indeed, is a very good example of the type of 'administrative interventionism' that characterised this period and which confutes the idea that it was an 'age of *laissez-faire*', a theme discussed below.<sup>89</sup> There was broad opposition at the SSA to the continuance of free secondary education – except in the case of talented children from poor families on scholarships – for it wasted funds in an arbitrary distribution, and, in practice, lowered educational standards. Above all, if the members of the SSA did not go as far as Hobhouse in condemning 'the dead hand', they recognised the right to alter the wishes of benefactors. Kay-Shuttleworth's contribution to the SSA in 1866 on the administration of educational endowments was an outspoken attack on a system of law and set of attitudes which continued to respect the instructions of benefactors when the needs of the present had altered.<sup>90</sup> The sense of the congress was caught in Bruce's comment after the paper, that

we have shown almost a superstitious regard to these endowments, whereas it was the duty of the State, from time to time, to have revised them, and directed their employment towards some good objects, which might have been by this means greatly benefited, had it not been for the desire to carry out the wishes of the testators.<sup>91</sup>

Bruce saw the need for 'a central body with a sufficient authority to deal with these questions . . . so that endowments might be employed for the public good'.<sup>92</sup> Here was prefigured the Endowed Schools Commission two years before the Taunton Commission reported.

There were deviations from this consensus, of course. Over the years, several voices were raised in impassioned defence of the rights of the

<sup>88</sup> 'Minute Book of the Standing Committee on Education, May 13 1874–June 16 1885' in the possession of Lady McGregor of Durris, London. See ch. 12, pp. 353–4 below.

<sup>89</sup> See ch. 9, pt 1, pp. 267–8 below. <sup>90</sup> *T.1866*, 330–48. See also *ibid.*, xxxiv.

<sup>91</sup> *Ibid.*, 407. <sup>92</sup> *Ibid.*

poor to the education that benefactors had intended to confer on their children.<sup>93</sup> There were also those who argued against the very premise of class-based education.<sup>94</sup> A working man who participated in 1871 attacked the concept of gradations of educational provision: 'if they wished to reform dangerous classes . . . or prepare their children in spirit to live honestly, they must not give them distinct classes of education, but a system of education whereby every member of the community should have an opportunity of rising to the highest honours'.<sup>95</sup> Lyon Playfair, the Liberal MP and parliamentary advocate of mid-Victorian science and technology, also had his doubts. He worried that in the system emerging after 1869 the gap in attainment that had to be bridged if a clever child from a humble background was to move to a high-grade secondary education was too wide.<sup>96</sup> On the other side, however, were numbers who would have gone even further in reapplying endowments for the benefit of the bourgeoisie. The radical Liberal MP for Whitby, H. Stephen Thompson, chairman of the North-Eastern Railway, advocated the abolition of outmoded charities and the centralisation of monies released in 'an endowment fund to be used for the benefit of the nation'.<sup>97</sup> The middle classes were now the educationally underprivileged and in his view this legitimised their appropriation of endowments originally set aside for the poor.

On the subject of girls' education, however, there was unanimity. The problem of secondary education as it affected girls and the possible solution were set before the 1860 congress in two papers by Barbara Bodichon and Jessie Boucherett. Bodichon drew attention to the poor quality of education offered to middle-class girls in existing schools and Boucherett urged that the Court of Chancery and the Charity Commissioners use such endowments as became available to assist girls' schools rather than boys'.<sup>98</sup> The classic statement of girls' needs came four years later at York, where Emily Davies (in a paper read for her) drew attention to their problems as the Taunton Commission prepared to begin work. As she argued, it was not just a matter of schooling, but of the low mental culture of 'the middle-class female mind' in general, which in turn affected the educational development of children. She asked that 'the intelligence of women, be it great or small, shall have full and free development', and she looked to the redirection of endowments to begin to right the neglect of ages.<sup>99</sup>

<sup>93</sup> *T.1866*, 404.      <sup>94</sup> *T.1864*, 458-9.      <sup>95</sup> *SP 1870-1*, 456.

<sup>96</sup> *T.1870*, 58.      <sup>97</sup> *T.1864*, 457.      <sup>98</sup> *T.1860*, 432-4.

<sup>99</sup> Emily Davies, 'On Secondary Instruction as relating to Girls', *T.1864*, 394-404.

Miss Davies and the other women who used the Social Science Association had the support of men both culturally influential and politically powerful. F. D. Maurice gave a supportive paper on girls' education to the 1865 congress in Sheffield.<sup>100</sup> His brother Christian Socialist, Charles Kingsley, drew attention to the issue four years later at Bristol where he gained support for a resolution urging the new commissioners to share endowments equally between the sexes.<sup>101</sup> At Manchester in 1866, Bruce had called the problem of girls' education 'a blot on our civilization'.<sup>102</sup> To Lyttelton the exclusion of women from access to educational endowments was 'one of the most unrighteous deprivations, that can be mentioned' and he wanted 'some substantial measure in rectification'.<sup>103</sup> This was the value of the Social Science Association to the emergent women's movement: it gave it a platform and it brought it into contact with important supporters in the public sphere. After 1869, the SSA was openly committed not just to the best possible outcome for girls in the reorganisation of endowments, but to their *equal* benefit.<sup>104</sup>

## III

Almost all the central themes in the reform of secondary education had been discussed from the Association's inauguration. The first congress heard papers treating the full range of problems and suggesting all likely solutions, including the examination of pupils, the inspection of schools, and the qualification and self-regulation of teachers – in short, their professionalisation. The Headmaster of Bromsgrove School pre-figured the recommendations of the Taunton Commission and the demands of middle-class parents when he suggested constructing 'from two to six thoroughly good Grammar Schools in each county'.<sup>105</sup> Debate in 1857 focused immediately on the problem of remodelling endowments, and the different positions were soon evident. According to one grammar-school headmaster who took 'a rational and logical view of the matter', 'our old endowments ought to be made auxiliary to our national education'.<sup>106</sup> He was answered by the more cautious

<sup>100</sup> Revd F. D. Maurice, 'What Better Provision Ought to be Made for the Education of Girls of the Upper and Middle Classes?' *T.1865*, 268–74.

<sup>101</sup> *T.1869*, 350. <sup>102</sup> *T.1866*, 407. <sup>103</sup> *T.1868*, 73.

<sup>104</sup> *T.1872*, 279. On female education under the 1869 Act, see Anne Digby, 'New Schools for the Middle Class Girl' in Searby (ed.), *Educating the Victorian Middle Class*, 9–10.

<sup>105</sup> *T.1857*, 127.

<sup>106</sup> Dr E. R. Humphreys, 'Educational Endowments', *T.1857*, 135. Humphreys was headmaster of Cheltenham Grammar School.

Sir John Pakington, who believed that 'as a rule, the intention of the founders of endowments should be adhered to'.<sup>107</sup> The argument is not, in this case, that the Social Science Association was itself responsible for the shape of policy on secondary education, nor that its influence on members of the bureaucracy and Gladstone's first administration was formative. Rather, many of the ideas and structures that are associated with the Taunton Commission were already current and under discussion at the SSA in the years before its appointment.<sup>108</sup> For all its meticulous research, which makes it a model of Victorian practice, the Taunton Commission's conclusions were not very different from those reached by many educationists from their own experience in the 1850s and 1860s. To a regular participant at SSA meetings, much that Taunton recommended would have been familiar and uncontroversial. But that same participant would have been aware that what he or she heard at the Social Science Association was common to the mid-Victorian journals and other educational societies as well. The Association discriminated between differing opinions and formed a firm view on educational questions, but it did not originate a line of state action as in its policies for public health and the penal regime. Its role in secondary education was to encourage the state into action, which action largely replicated the ideas of its own members.<sup>109</sup>

The most important of all its interventions came in 1864, when its deputation and memorandum to Palmerston secured the Taunton Commission. An enquiry had been suggested at the 1863 congress by the political economist Nassau Senior, as president of the Education Department.<sup>110</sup> The following June, after an application to Palmerston by Brougham, a deputation from the Association met the prime minister.<sup>111</sup> It included Brougham, Lyttelton, Earl Fortescue (as Viscount Ebrington, one of the founders of the Association), Bishop Tait of London, several MPs, including Arthur Kinnaid and George Shaw-Lefevre; F. D. Maurice, Edwin Chadwick, and G. W. Hastings. They requested a commission 'to inquire into the Grammar Schools in the kingdom, and other Endowed Schools not yet reported on'.<sup>112</sup> According to Hastings the enquiry was 'issued entirely on our recommendation' and the SSA had 'undoubtedly obtained a considerable triumph in getting a Commission'.<sup>113</sup> Once the commissioners had published their report, in early 1869 the Association petitioned the Commons and gave its 'general' welcome to the Endowed Schools Bill.<sup>114</sup>

<sup>107</sup> *T.1857*, 150.

<sup>108</sup> Allsobrook, *Schools for the Shires*, 120, 203–4.

<sup>109</sup> *Ibid.*, 145.

<sup>110</sup> *T.1863*, 57, 361.

<sup>111</sup> G. W. Hastings to Brougham, 10 June 1864, B MSS, 13137.

<sup>112</sup> *The Times*, 20 June 1864, 6. *Daily Telegraph*, 20 June 1864, 3.

<sup>113</sup> Hastings to Brougham, 21, 27 July 1864, B MSS, 13142, 13021.

<sup>114</sup> *SP 1868–9*, 358.

The failure to pass the second part of the proposed bill in 1869 evidently concerned the Association, however, and its memorial to the administration in 1871 drew attention to the need for a central educational authority to oversee the inspection and registration of private schools and the examination of schoolmasters and mistresses, even if only voluntarily.<sup>115</sup> The SSA also sent a deputation to Forster to urge renewed action.<sup>116</sup> Mild concern at the omissions of the Liberal administration turned to outright condemnation of the new Conservative ministry in 1874 when the Endowed Schools Commission was abolished. The Association 'protest[ed] emphatically' against provisions in the Endowed Schools Act Amendment bill designed to bolster Anglican exclusivism. The bill made it easier for schools to retain direct attachment to the Church of England and to perpetuate 'strictly denominational teaching' on the basis of that affiliation. It also reversed 'the presumption in favour of religious equality where there is no evidence of the founder's intention' – the presumption returned to the *status quo ante* by which such schools were presumed Anglican – and laid down that a school conducted as a denominational foundation for a century or more should be 'conducted on a denominational system for ever'. All of this was retrograde in the Association's view: it put sectarianism before education, protected Anglican privileges in a supposed age of religious equality, retained failing schools in the control of ineffectual governing bodies, and showed contempt for parliament itself, which only five years before had approved the Endowed Schools Act 'almost without a division'.<sup>117</sup>

In Victorian education, however, politics and religion were always more potent forces than pedagogy and expertise. While stimulating the process of reform the SSA had become so closely associated with one side of an essentially political argument that it was an inevitable casualty in the struggle between parties and sects. The events of 1874 were a salutary lesson for the Association in observing neutrality and objectivity, and of its relative lack of influence within Conservative circles. In truth, there was little that the Association could have done to protect its reputation for impartiality. It was inevitable that the reform of existing endowed schools would fracture along lines of religion and ideology, for any attempt to alter the failing status quo must have antagonised powerful, entrenched interests. Chadwick might extol the virtues of administration by experts,

<sup>115</sup> *SP* 1870–1, 270. <sup>116</sup> *T*.1872, xxxix.

<sup>117</sup> *SP* 1873–4, 353. The SSA's resolutions were given to Lyon Playfair 'to deal with as he thought proper in the House of Commons', *T*.1874, xxxix.



and Hobhouse deny that he had any affiliations except to legal and philosophical principle, but any course of action would have had Liberal political implications insofar as those interests most affected were intrinsically Conservative. That the SSA was recognised as a Liberal forum was never in doubt and not the point. In the matter of endowed schools, once committed to reform, even if it had guarded its neutrality with the greatest care, it would have failed to preserve it.

## IV

In its debates on the reform of secondary education the Social Science Association also considered a less controversial method than the reapplication of endowments: the certification and professionalisation of teachers. No one was in any doubt that many schoolmasters were not up to the job, and there were frequent references to 'the caricatured monstrosities satirised by Dickens'.<sup>118</sup> Public schools employed university graduates, and a degree was some guarantee of competence. National schools employed teachers from the training colleges and were inspected regularly. In between, the endowed and proprietary schools used what could be found. Given that 'trade offers better pay than teaching, and a counting-house career brings better prospects than a school', the calibre of these teachers was generally poor.<sup>119</sup>

Solutions to this problem were suggested at the SSA. Fitch, formerly head of the Borough Road Training College for elementary teachers in London, built on what he knew best, and suggested certification of secondary teachers by the state, training them alongside National schoolteachers in existing colleges.<sup>120</sup> Goldwin Smith, the former Regius Professor of History in Oxford, drew on what *he* knew best, and suggested certification by the ancient universities.<sup>121</sup> The universities, through the local examinations, were testing the pupils of the endowed schools; why not also test the teachers? When this idea was put to the SSA, however, at a special meeting in Burlington House during the 1862 congress there was a general sense that the universities, with little connection to middle-class schools, were not well placed to administer a scheme. Instead of external regulation of teachers, the meeting favoured self-regulation in a manner comparable with other professions.<sup>122</sup> As one member put it later, 'the bishops governed the Church, benchers were at the head of

<sup>118</sup> *T.1862*, 238. <sup>119</sup> *Daily News*, 19 Sept. 1872, 5.

<sup>120</sup> *T.1864*, 389-91. <sup>121</sup> *T.1867*, 438. <sup>122</sup> *T.1862*, 336-9.

our Inns of Court, and the leading members of the medical profession belonged to the Medical Council'.<sup>123</sup> Self-regulation would raise educational standards and reassure parents; it would improve the status and remuneration of teachers. The most esteemed professions defined themselves by self-regulation; to rely on public authorities for examination and certification would make middle-class teachers no better than their elementary school cousins – the employees of a parsimonious state. Professionalisation was also part of a recognisable mid-Victorian trend: as Ernest Noel observed in 1862, 'there is a growing desire in this country that all persons into whose hands we in any way place the care of our health or property, should in some way be pronounced by competent authority to be capable of undertaking the office they aspire to'.<sup>124</sup> Practitioners required a means to dignify their status, and clients an assurance of aptitude and skill. Professionalisation suited the needs of both.

The model for the teachers, as for all aspiring professional groups in the late nineteenth century, was the 1858 Medical Act which established the modern medical profession, and which was already seen as a remarkable success by the 1860s.<sup>125</sup> The Act had special significance for the SSA, given the role of G. W. Hastings in drafting early versions of the bill in the 1850s and the presence of doctors as a crucial component of the Association's membership.<sup>126</sup> It had established a General Medical Council composed of representatives from the universities, medical corporations, and crown nominees that registered all practitioners possessing specified qualifications. The Council monitored those qualifications, and through the Privy Council could prohibit the registration of persons accredited by institutions failing to maintain adequate standards. The Act gave the medical profession definition in law and spurred the improvement of medical education. Registration reassured patients by confirming the capabilities of *bona fide* doctors and distinguishing them from quacks. But the Act did not prevent charlatans from continuing to practise: if they did not claim to be registered practitioners, they remained free to ply their trade.<sup>127</sup>

The Medical Act was frequently invoked at the SSA as the model for a putative 'Scholastic Registration Act'.<sup>128</sup> A Scholastic Registration

<sup>123</sup> *SP* 1868–9, 295. <sup>124</sup> *T* 1862, 248.

<sup>125</sup> Revd G. A. Jacob, 'The Professional Training and Certification of Middle-Class Teachers', *T* 1862, 243.

<sup>126</sup> See above, ch. 6, pp. 184–8.

<sup>127</sup> Burn, *Age of Equipoise*, 202–11.

<sup>128</sup> Robinson, 'Suggestions for the Improvement of Middle-Class Education', 379.

Association, which sought the passage of such a measure, was founded by the College of Preceptors in 1863.<sup>129</sup> The Principal of the Aldershot Classical and Mathematical School, Barrow Rule, and other spokesmen, explained its aims to the SSA.<sup>130</sup> The desired legislation would have established a General Scholastic Council, analogous to the General Medical Council, to validate the qualifications provided by different educational and training institutions and oversee the registration of suitably qualified teachers. But in line with the Medical Act, registration was to be permissive rather than compulsory: parents would now have some designation of professional competence to guide their choices but unregistered teachers could continue to teach. Rule also set out his ideas to the Taunton Commission, which in turn reported favourably on the establishment of a central Educational Council to examine, accredit, and register teachers. But in transferring these ideas for inclusion in the Endowed Schools bill the scheme changed from one of professional self-regulation to one of regulation by the state, thus converting the secondary schoolteacher to a status comparable to that of the elementary teacher. This was one of the reasons why the second part of the bill proved controversial and was held back.<sup>131</sup>

An alternative to organisation under the state was to constitute a teachers' body as the profession's examining and certifying authority. One candidate for this function in the 1860s was the College of Preceptors. Its members continually pressed its claims at the SSA.<sup>132</sup> The College had been founded in 1846 by a 'little group of the more public-spirited and more scholarly among the despised proprietors of private venture schools' to form teachers into a learned profession, independent of the traditional educational authorities – the church, the universities, and government.<sup>133</sup> It was intended to examine and certify candidates for the profession, thus giving employers and parents a guarantee of professional capacity and probity. It was described by

<sup>129</sup> P. H. J. H. Gosden, *The Evolution of a Profession. A Study of the Contribution of Teachers' Associations to the Development of School Teaching as a Professional Occupation* (Oxford, 1972), 235–6. Asher Tropp, *The School Teachers. The Growth of the Teaching Profession in England and Wales from 1800 to the Present Day* (London, 1957), 99–100. Richard Aldrich, *School and Society in Victorian Britain. Joseph Payne and the New World of Education* (Epping, 1995), 131.

<sup>130</sup> Barrow Rule, 'Scholastic Registration', *SP 1868–9*, 205–17.

<sup>131</sup> G. Baron, 'The Teachers' Registration Movement', *British Journal of Educational Studies*, 2, 2 (May 1954), 134.

<sup>132</sup> Dr E. R. Humphreys, 'The Plan and Objects of the Royal College of Preceptors calculated to Promote Middle-Class Education', *T.1857*, 144. Roach, *Public Examinations in England*, 60–1; Gosden, *The Evolution of a Profession*, 235.

<sup>133</sup> J. Vincent Chapman, *Professional Roots: The College of Preceptors in British Society* (Epping, 1985). Aldrich, *School and Society in Victorian Britain*, 96–125.

Beatrice Webb as 'the first attempt in the United Kingdom at the professional organization of teachers of any kind', and it offered membership to qualified women as well as men.<sup>134</sup> It was explicitly unsectarian; it battled for a teachers' register; it tried to set up a training college for secondary staff; from 1847 it published *The Educational Times*.<sup>135</sup> But its failure to attract more support from the state, school proprietors and the majority of secondary schoolteachers weakened its case. The Taunton Commission received evidence from its assistant commissioners on the standing of the College in the areas they surveyed and concluded that it would not suffice as the nucleus for self-regulation.<sup>136</sup> Its influence at mid-century was certainly greater than its membership of hundreds would suggest, but by the 1870s it had faded into the background, an honourable attempt at a process, the professionalisation of teachers, which was fraught with difficulty.<sup>137</sup>

The College of Preceptors failed for several reasons, the foremost being the absence of a critical mass of teachers committed to the higher standards of a profession. Given the poor calibre of those recruited by endowed and proprietary schools, the majority had more to lose than gain from certification and registration. The sheer variety of terms and conditions in secondary schools made it difficult to bring teachers together to find common ground. Many proprietors and headmasters, meanwhile, looked upon professional self-regulation as they looked upon the second part of the Endowed Schools Bill – as another attempt to deprive them of freedom of action. There was also the problem of status as between secondary and elementary schoolteachers: many secondary teachers instinctively opposed certification because it was associated with the training of teachers of a lower social standing.<sup>138</sup> The Preceptors sought statutory registration of teachers in endowed and proprietary schools only, and were soon at odds with the National Union of Elementary Teachers (NUET) – later renamed the National Union of Teachers – which had been founded in 1870 and sought professional status for *all* teachers.<sup>139</sup> In 1879 a bill sponsored by the College and introduced by Playfair provided for the registration of secondary schoolteachers only, but a campaign by the NUET led to its defeat.<sup>140</sup> These sectoral jealousies were set before the SSA almost annually from the mid-1870s,

<sup>134</sup> Webb, 'Special Supplement on English Teachers', pt 1, 12.

<sup>135</sup> Joseph Payne, 'On the Past, Present, and Future of the College of Preceptors' in J. Payne, *Lectures on the Science and Art of Education* (2nd edn, London, 1883), 321.

<sup>136</sup> *Ibid.*, 324. <sup>137</sup> A. M. Carr-Saunders and P. A. Wilson, *The Professions* (Oxford, 1933), 253.

<sup>138</sup> Tropp, *The School Teachers*, 114–18; Gosden, *The Evolution of a Profession*, 216–18.

<sup>139</sup> Tropp, *The School Teachers*, 110. <sup>140</sup> *Ibid.*, 116; Gosden, *The Evolution of a Profession*, 238.

for at each congress there was sure to be an official from the NUET – usually Mr T. E. Heller, the union's secretary – to contest plans for the separate professionalisation of teachers in middle-class schools.<sup>141</sup> Heller spoke for a unitary profession with a single register of qualified teachers 'for all grades and classes of schools',<sup>142</sup> and a single professional structure 'open from one end to the other'.<sup>143</sup> Here was another example of the disabling effects of class-consciousness in Victorian education: class was partly responsible for the essential educational failings of secondary schools and it was also partly responsible for the inability of teachers to establish themselves as a profession. Only after the 1902 Education Act was a measure of professional co-operation and solidarity across the sectors possible.<sup>144</sup>

## V

In a history of the Social Science Association it is not the failure of this example of professionalisation which is significant, however, but the Association's role as a forum in which proponents of professionalisation expected support. Recent work has suggested that professionalisation in Britain, in the sense of a pervasive and ultimately dominant trend in modern social organisation, should be dated from the 1880s.<sup>145</sup> The history of Victorian education, and of mid-Victorian social reform in general, points to the formative events of the 1850s and 1860s as the point of origin of the process, with the Medical Act providing an example to many groups of how to establish professional status.

The Social Science Association had largely been created by reforming lawyers in the 1850s, and it had gone into productive alliance with the British Medical Association – the pre-eminent and model professional group – in the 1860s. The clergy of all denominations were strongly represented throughout the Association, especially in the Education Department. Given these links to the three traditional liberal professions, it is not surprising that aspiring new ones should have sought to display their expertise and build political support at the SSA. Yet the Association also attracted such groups because of its place in the making of social policy. The symbiotic – and also sometimes parasitic – relationship of professional groups to the state has become a central feature of recent

<sup>141</sup> See, for example, *T.1876*, 404. <sup>142</sup> *T.1878*, 434–5. <sup>143</sup> *T.1879*, 382.

<sup>144</sup> For an elegant summary of obstacles to the professionalisation of teachers see J. P. C. Roach, *The Teaching Profession: Some Reflections on a Century of Development* (Sheffield, 1966).

<sup>145</sup> Harold Perkin, *The Rise of Professional Society. England Since 1880* (1989) (1990 edn, London), 8.

social structures, as professionals – doctors, teachers, social workers, and so forth – have gained authority and status from the expansion of welfare provision. This relationship can also be observed in the 1860s as a notably more activist state, led by Liberal reformers, tried to establish new structures for education and public health in particular. Practitioners naturally wanted to influence the outcome of reform, often from altruistic motives, but also to secure their own positions in the new order, and found the SSA an especially useful conduit to policy-makers. Teachers in middle-class schools are a good example of this process: they sought to establish their professional status and take advantage of the opportunities that would follow from the reform of the endowed and proprietary schools in the 1860s and 1870s. In the event, that reform, and their self-organisation, were frustrated, but the model still holds. Furthermore, in many instances the state was courted by emergent occupational groups not only because of the jobs and status that would follow a successful infiltration of its structures, but because it was only the state which had the means by statute and inspection to create unified professions and their consequent monopolies: these groups ‘looked to the state as the ultimate guarantor of professional status’.<sup>146</sup> Secondary teachers were unable to regulate themselves and required the intervention of the state, in the shape of a ‘Scholastic Registration Act’, to do it for them. At the SSA such groups could make their case by drawing attention to the social benefits that would flow from intervention on their behalf – in the case of secondary teachers, the improvement in the education of the children of the middle class.

The history of the SSA’s involvement in the reform of secondary education thus links it to the interests of middle-class producers of knowledge as well as middle-class consumers of knowledge. Its greatest efforts went into framing an adequate institutional reform of the schools. In a society embracing the liberal ideal of open competition – Lyttelton had spoken approvingly of ‘la carrière ouverte aux talents’ at the SSA in 1868 – the reform of middle-class schools was an occupational as well as a pedagogic necessity for members of this class.<sup>147</sup> But the SSA was naturally drawn to an ancillary issue, the improvement of the quality of teachers. Aspiring to true bourgeois status themselves, teachers required professional organisation. A forum dedicated to promoting the values of expertise and knowledge in the service of the community was an obvious place to publicise their aims. The two campaigns were thus essentially compatible,

<sup>146</sup> *Ibid.*, xiii.

<sup>147</sup> *T.1868*, 64.

and the SSA tried to promote the interests of middle-class boys, girls, parents, and teachers as one, though arguably at the expense of the petit bourgeoisie and working classes. As Mark Pattison had understood in 1857, the Social Science Association would do its most characteristic work in the interests of the Victorian middle class.<sup>148</sup>

<sup>148</sup> See p. 68 above.

## CHAPTER 9

# *The Social Science Association and the making of social policy*

### I. THE SOCIAL SCIENCE ASSOCIATION AND THE MID-VICTORIAN STATE

In 1860 Herbert Spencer found ‘numerous developments’ in the SSA’s *Transactions* of the ‘mischievous error’ that ‘it is the duty of the state, not simply to insure each citizen fair play in the battle of life, but to help him in fighting the battle of life’.<sup>1</sup> After listening to the addresses at the 1860 Glasgow congress, *The Times* believed that ‘Social Science meetings’ were creating ‘an incipient school for legislative interference in morals’.<sup>2</sup> A decade later Josephine Butler criticised the Association for ‘stimulating legislation in matters which had much better not be legislated about, but . . . left to the common sense of the English people’.<sup>3</sup> Alongside her agitation for the repeal of the Contagious Diseases Acts, she was also the first secretary of the anti-statist Vigilance Association for the Defence of Personal Rights. Spencer and Butler were absolutely *parti pris*, of course: Spencer was the acknowledged scourge of ‘over-legislation’ and Butler blamed the SSA among others for the Contagious Diseases Acts. Were they correct? Did the SSA stimulate social interventions by the state?

Historical discussion on the place of the state in Victorian Britain has suffered from confusion over the definition of terms: there has been little agreement over the meaning of concepts such as ‘laissez-faire’ and ‘individualism’, for example. Victorians were equally confused. As Mill explained in *On Liberty*, ‘there is, in fact, no recognised principle by which the propriety or impropriety of government interference is customarily tested. People decide according to their personal preferences.’<sup>4</sup> For some

<sup>1</sup> Herbert Spencer, ‘Parliamentary Reform: The Dangers, and the Safeguards’ in *Essays: Scientific, Political, and Speculative* (2nd series, London, 1863), 238–9. (First published in the *Westminster Review*, April 1860.)

<sup>2</sup> *The Times*, 1 Oct. 1860, 6.

<sup>3</sup> *Report of the Conference of the Association for the Defence of Personal Rights* (Manchester, 1871), 24.

<sup>4</sup> J. S. Mill, *On Liberty* (1859) (ed. J. Gray and G. W. Smith) (London, 1991 edn), 30.



historians, early interventions in public health and education in the 1830s and 1840s suggest there never was a true 'age of *laissez-faire*'.<sup>5</sup> For others, adopting a narrower definition, the term still has relevance if it is understood that there were areas of national life which were never subject to its rigorous doctrines. Cholera was no respecter of persons and its control required co-ordinated public measures: even Samuel Smiles therefore recognised the need for government action in public health.<sup>6</sup> Children could not be held responsible for parents who did not provide for their education, nor for the absence of accessible local schools, and the state was obliged to step in. It was considered immoral to allow women to work without restriction, and at the neglect of their families. It has been argued that Victorian *social* policy thus demonstrates a consistent expansion of the competence of the state, whereas in *economic* policy the state was faithful to classical political economy.<sup>7</sup> It is sensible, certainly, to differentiate between different types of state policy and different areas of state competence.<sup>8</sup> As experience towards the end of the twentieth century has demonstrated, governments may deploy the rhetoric of *laissez-faire* but increase central control and use the state aggressively in the remodelling of public institutions. There was certainly a contradiction between the intention of certain Victorian statutes that seemed consistent with active state regulation, and their implementation, which was sometimes irregular and unsystematic. Inspection may have been a crucial innovation of the early and mid-Victorian state, but does the failure to carry it out suggest a strong endorsement of, or antipathy for *laissez-faire*?<sup>9</sup> The same individual could espouse the case for intervention in one context and non-intervention in another: 'all depended on the circumstances of the case'.<sup>10</sup> The slow development of Victorian social policies and public administration, meanwhile, may have had as much to do with the bureaucratic confusions of the age and the technical incapacity to make a difference, as with orthodox adherence to the principles of the minimal

<sup>5</sup> J. B. Brebner, 'Laissez-Faire and State Intervention in Nineteenth Century Britain', *Journal of Economic History*, supp. 8 (1948), 59–73. Roger Prouty, *The Transformation of the Board of Trade 1830–1855* (London, 1957), 1. David Roberts, *Victorian Origins of the British Welfare State* (New Haven, 1960).

<sup>6</sup> Donald Read, *England 1868–1914* (London, 1979), 133–4.

<sup>7</sup> A. J. Taylor, *Laissez-Faire and State Intervention in Nineteenth Century Britain* (London, 1972), 55.

<sup>8</sup> H. Perkin, 'Individualism versus Collectivism in Nineteenth Century Britain: A False Antithesis', *Journal of British Studies*, 17, 1 (Fall 1977), 105–18. S. Checkland, *British Public Policy 1776–1939. An Economic, Social and Political Perspective* (Cambridge, 1983), 124–5, 159.

<sup>9</sup> P. W. J. Bartrip, 'State Intervention in Mid-Nineteenth Century Britain: Fact or Fiction?', *Journal of British Studies*, 23 (Fall 1983), 63–83.

<sup>10</sup> Roy M. MacLeod, 'Statesmen Undisguised', *American Historical Review*, 78 (1973), 1399.

state.<sup>11</sup> The closer we get to the details, the more a single Victorian 'age of *laissez-faire*' dissolves, or at best breaks down into separate periods in each of which the state played a different role and focused on different issues.<sup>12</sup>

Those who have studied the mid-Victorian decades with care have not concluded that this was the age of the minimal state.<sup>13</sup> Both Liberals and Conservatives, it has been argued, were politically pragmatic first and economically doctrinaire second, and responded to the demands of an enlarged electorate with an eye to electoral fortune.<sup>14</sup> If *laissez-faire* was the 'default position' of central government and the state would only consider intervention when local or voluntary endeavour had failed,<sup>15</sup> allowance was made for 'exceptions' where regulation was believed necessary. By the 1860s and 1870s the regulation of the workplace had shaken off the controversies of the 1830s and 1840s, and was 'taken as a mere matter of common sense and economic prudence'.<sup>16</sup> The competence (and the expense) of local government was allowed to gently increase with little public discussion.<sup>17</sup> As has been suggested, the rhetoric of *laissez-faire* disguised a coercive state that did not hesitate to act against those who deviated from its norms.<sup>18</sup> The Contagious Diseases Acts are evidence of the absence of restraints on the state in particular cases and of a prevalent assumption that the state had a duty to intervene where the public weal was threatened. The Habitual Criminals Act shows how little weight was given to libertarian arguments when deploying state authority against the enemies of property and order. We have been reminded of 'the extent to which perceptions of public safety might override private autonomy, even in a self-consciously libertarian age'.<sup>19</sup> In social policy,

<sup>11</sup> A. S. Wohl, *Endangered Lives: Public Health in Victorian Britain* (London, 1983), 3.

<sup>12</sup> G. Kitson Clark, *An Expanding Society. Britain 1830-1900* (Cambridge, 1967), 162-3.

<sup>13</sup> J. F. Harris, *Private Lives, Public Spirit: Britain 1870-1914* (1993) (Harmondsworth, 1994 edn), 196. O. MacDonagh, *A Pattern of Government Growth: The Passenger Acts and their Enforcement 1800-1860* (London, 1961), 15. E. F. Biagini and A. Reid, 'Currents of Radicalism 1850-1914' in E. F. Biagini and A. Reid (eds.), *Currents of Radicalism. Popular Radicalism, Organised Labour and Party Politics in Britain 1850-1914* (Cambridge, 1991), 11.

<sup>14</sup> J. Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (London and New Haven, 1993), 245-6.

<sup>15</sup> Gillian Sutherland, 'Introduction' in Gillian Sutherland (ed.), *Studies in the Growth of Nineteenth Century Government* (London, 1972), 10.

<sup>16</sup> B. L. Hutchins and A. Harrison, *A History of Factory Legislation* (London, 1926), 167, quoted in E. F. Biagini, *Liberty, Retrenchment and Reform. Popular Liberalism in the Age of Gladstone, 1860-1880* (Cambridge, 1992), 171.

<sup>17</sup> *Ibid.*, 103.

<sup>18</sup> Martin J. Wiener, *Reconstructing the Criminal. Culture, Law and Policy in England 1830-1914* (Cambridge, 1990), 151-2.

<sup>19</sup> Harris, *Private Lives, Public Spirit*, 196.

only the appeal to 'local self-government' had any likelihood of success in struggles with the central state. The fate of the General Board of Health in 1854, which had outrun public opinion, was a potent memory for the next two decades.<sup>20</sup>

In an analysis of the social policies of this period, Burn showed that there was little hesitation in using the state to protect property, uphold morality, and remove the clutter of ages.<sup>21</sup> In analyses of such varied measures as the Encumbered Estates Acts, the Vaccination Acts, and many of the issues with which the SSA was concerned – endowed schools, prisons, habitual criminals, and contagious diseases – the interventionist tendencies of the state, and its occasional ruthlessness, were demonstrated beyond question.<sup>22</sup> In Burn's words 'any hard-and-fast distinction between Individualism and Collectivism is not merely useless but harmful', for such distinctions cannot reflect the complexity of factors at work.<sup>23</sup> Burn's emphasis was on 'a frame of mind' which prized 'uniformity', rejected 'anomalies', and resolved to dispense with 'an accumulation of junk'.<sup>24</sup> This junk was often the consequence of earlier *ad hoc* interventions which left a mass of unsupervised and inexpert local bodies – boards of guardians, boards of health, highways boards – in charge of important areas of policy. This was clear in public health, and explains the role of the state in reordering the frameworks for its maintenance between 1869 and 1875. Much of the social legislation of the 1860s and 1870s was designed to rationalise the flawed arrangements of the previous generation.

Spencer's real opponent was not the Social Science Association but the age itself. Mid-Victorian Britain made strenuous efforts in economic and fiscal policy to reduce the interventions of the state, both because a free economy was believed to be a productive and efficient one, and because any intervention would assist one group over another, to the detriment of social equity. Yet it showed little reluctance in appealing to the state as regulator in social and moral arenas. Perhaps surprisingly given the degree of historical interest in this subject, there was little discussion of the 'boundaries of the state' at the SSA. It was never the subject of a debate and was referred to comparatively rarely. This may be interpreted in different ways. There may have been a settled,

<sup>20</sup> Royal Commission to Inquire into the Operation of the Sanitary Laws in England and Wales, Second Report, PP 1871, xxxv, 35–6.

<sup>21</sup> W. L. Burn, *The Age of Equipoise. A Study of the Mid-Victorian Generation* (1964) (1965 edn, New York), 226.

<sup>22</sup> *Ibid.*, ch. 4, 132–231.

<sup>23</sup> *Ibid.*, 150. See also 286.

<sup>24</sup> *Ibid.*, 189, 194.

interventionist view among the self-selecting group who attended the Association, for example. It may also indicate that the polarities which have structured historical discussion – *laissez-faire* versus state intervention, individualism versus collectivism and so forth – would not have been recognised by mid-Victorians whose approach was both more subtle and empirical. They were more flexible and respectful of exceptional circumstances than some historians have been. They also responded vigorously to abuses without much thought for political economy. The silence might also suggest that the mid-twentieth-century historians who focused on the role of the Victorian state, influenced by debates about the place of the state in their own society, reflected their contemporary preoccupations onto the past. We must be aware that if the growth of the state had become a public question by the time the SSA expired in the 1880s, it was not as central an issue during its most creative phase in the 1860s.

In what circumstances did the Association turn reflexively towards state action? Three different types of intervention are evident and may be given the following names: ‘emancipatory reforms’; ‘protective legislation’; and, most significantly, ‘administrative interventionism’.

Mid-Victorian liberalism was, according to Hobhouse, ‘a movement of liberation, a clearance of obstructions, an opening of channels for the flow of free, spontaneous, vital activity’.<sup>25</sup> The state was used to remove injustice and inequity; to create the conditions of unfettered economic competition; to equalise legal and political conditions as between classes, denominations and genders; and to remove obstructions to individual advancement. The SSA’s initiatives in support of the Married Women’s Property Acts were evidently part of these processes.<sup>26</sup> And if the Association’s support for trade unions was often ambivalent, it agreed nevertheless to measures which established them on a sound legal basis, unencumbered by penal laws such as the old Master and Servant Acts. The SSA looked to the state to emancipate groups suffering perceived inequalities and bring them fully into civil society.

This was in the classical liberal tradition. But as has been argued, nineteenth-century liberalism had its darker aspect: almost as a condition of emancipation it was required that those who placed themselves outside civil society should be penalised. A second type of intervention, ‘protective legislation’, sprang from the desire of the Victorian middle classes to safeguard their material interests and enforce their moral code;

<sup>25</sup> L. T. Hobhouse, *Liberalism* (1911) (1979 edn, New York), 28–9.

<sup>26</sup> *Ibid.*, 24–5.

we might almost identify this as one of the SSA's *raison d'être*. When good order dictated, liberty – especially the liberty of deviants – could be ignored. According to Hastings,

To deny to a community the right of interfering with individuals in order to defend itself from mischief, is to refuse it the first condition of existence. We, the people, that is, the State – for in a free country the State is nothing but the embodiment of the people – have a right to defend ourselves from disease, moral and physical, and to lay down such regulations as we may consider advisable for the purpose.<sup>27</sup>

This was said at the 1869 congress and suggests that Hastings was referring to the Contagious Diseases Acts and to the presence of their opponents at Bristol. It is easy to see how such attitudes could lead to support for intervention against prostitutes, criminals, the disorderly in general.

The most characteristic recourse to the state by the SSA was of the third type: 'administrative interventionism'. Most of the Association's prescriptions were designed to improve the mechanisms by which policies were made, applied, and monitored. The state was asked to make public administration more efficient and expert, rather than develop competence in new areas, or to touch men's wallets and redistribute the contents. The emphasis was on rearranging the furniture rather than extending the house. In education, the Association sought powers by which existing private monies could be reapplied to meet new social needs. In the prisons, it believed that the criminal class could be controlled and reduced by the imposition of a new, reformatory penal regime, Crofton's 'Irish System'. In public health it tried to design an integrated system of administration reliant on professional competence. There was no quantum change in the state's role; rather, state power was used to remodel institutions in accordance with new demands. The schemes were often radical in their attack on vested interests. But, crucially, such changes did not depend on higher public expenditure – or only incidentally and on a relatively small scale as a consequence of improved bureaucracy. They were quite unlike the reforms of the past century, therefore, where state intervention has been paid for through taxation and has involved the transfer of resources from one group to another.

As Hilton has summarised this position, 'Legal improvements, constructive planning, permissive legislation and the efficient and systematic mobilization of private capital for philanthropic purposes, were expected

<sup>27</sup> 'Address on Jurisprudence and Amendment of the Law', *Western Daily Press*, 1 Oct. 1869, 2.

to lead to improvements in society without any calls on tax and ratepayers' pockets or any un-British interference with individual freedom.<sup>28</sup> The Association 'sought to ameliorate conditions without fundamentally interfering in the market economy'.<sup>29</sup> Indeed, in accordance with Peelite and Gladstonian orthodoxy, the Association sought to construct and perfect an enabling 'framework' of laws and institutions which would assist individuals to work out their own destinies.<sup>30</sup> To give an example, Gladstone's creation of the Post Office Savings Bank in 1861, which late in his life he included as one of the six great legislative achievements of his career,<sup>31</sup> fulfilled an important objective of the Association. It had provided a platform for the discussion of schemes for working-class thrift from its foundation and had heard papers by Charles Sikes, who is credited with proposing the idea, in 1859,<sup>32</sup> and from the two civil servants 'who were largely responsible for evolving the practical details of the scheme which came to be accepted' in 1862 and 1863.<sup>33</sup> The related Government Annuities Act, offering Post Office facilities for the purchase of small and cheap life assurances on government security, which Gladstone pushed through in 1864, followed similar discussions at the SSA on the institutional problems that hampered working-class efforts to insure themselves through friendly societies and benefit clubs, and the presentation of a petition from the Association to the Commons by the Chancellor himself.<sup>34</sup> In both cases the SSA sponsored institutional initiatives to help people to help themselves: the funds were theirs, but the state might play a constructive role in facilitating self-help. This was 'administrative interventionism'.

Even had the SSA wanted to extend the responsibilities of the state, it would have come up against the constraints of mid-Victorian public finance. Rather than growing in the 1860s and 1870s, public expenditure

<sup>28</sup> Boyd Hilton, 'Whiggery, Religion and Social Reform: The Case of Lord Morpeth', *Historical Journal*, 37, 4 (1994), 842.

<sup>29</sup> *Ibid.*, 859.

<sup>30</sup> H. C. G. Matthew, *Gladstone 1809-1874* (Oxford, 1986), 114-17. Pat Thane, 'Government and Society in England and Wales, 1750-1914' in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain 1750-1950* (3 vols., Cambridge, 1990), III, 11.

<sup>31</sup> John Morley, *The Life of William Ewart Gladstone* (London, 1905 edn), I, 685-6.

<sup>32</sup> *T.1859*, 730-1. The text of this paper was the same as the pamphlet sent by Sikes to Gladstone which first alerted the Chancellor to the idea. See C. W. Sikes, *Post Office Savings Banks. A Letter to the Rt. Hon. W. E. Gladstone, M.P.* (London, 1859).

<sup>33</sup> P. H. J. H. Gosden, *Self Help. Voluntary Associations in the Nineteenth Century* (London, 1973), 237. George Chetwynd, 'Post Office Savings Banks', *Congrès International de Bienfaisance de Londres* (1862), II, 160-89; F. I. Scudamore, 'Post Office Savings Banks', *T.1863*, 669-74. The Congrès International was held in association with the SSA's 1862 congress.

<sup>34</sup> *T.1864*, xxxv-xxxvi.

'was stable or falling' and Gladstonian Liberalism liked it that way: the prime minister went to the country in 1874 on the platform of abolishing income tax.<sup>35</sup> The mid-Victorian state spent very little on welfare: 'as late as 1870 the total expenses of civil government chargeable to the central Exchequer amounted to no more than £11 million, and less than half of this can be attributed to welfare in the widest sense'.<sup>36</sup> This was out of a total expenditure in that year of £67 million.<sup>37</sup> In 1869 the total cost of salaries and running expenses of the central public health authorities was a paltry £13,000.<sup>38</sup> Things did not improve in the remaining years of the century, during which, as we have seen, Treasury control over central public health expenditure was the essential limiting factor on what was achieved.<sup>39</sup> Most welfare expenses were charged to rate-payers and were supplemented by private charity. For an organisation seeking influence over national policy the implications were clear: the SSA might change the structures of central government and even the aims of policy (as in the case of the treatment of convicts) but it could not extend the boundaries of the state. In truth, there is little evidence that it wished to do this: the Association's corporate energies were channelled into reforms that cost little. The SSA had nothing to say about the cost of its suggested reforms at any stage because they were so relatively small. This may explain why there was comparatively little debate about the role of the state: the Association worked within a consensus that accepted the legitimacy of specifically administrative interventions, for these placed no new burden on the rate and taxpayers. As long as it did not propose expensive reforms, or those establishing new relationships between citizens and central government, the Association's schemes might occasionally be controversial, but they were not a challenge to an accepted model of the relation of state and society.

Strictly bureaucratic solutions have a momentum of their own, nonetheless. By 1888 the historian F. W. Maitland could famously lament that 'We are becoming a much governed nation, governed by all manner of councils and boards and officers, central and local, high and low.'<sup>40</sup>

<sup>35</sup> Harris, *Private Lives, Public Spirit*, 197–8. Matthew, *Gladstone 1809–1874*, 221–3.

<sup>36</sup> Taylor, *Laissez-Faire and State Intervention*, 56.

<sup>37</sup> Colin Matthew, 'Public Life and Politics' in Colin Matthew (ed.), *The Nineteenth Century. The British Isles: 1815–1901* (Oxford, 2000), 128.

<sup>38</sup> E. J. Evans, 'Introduction' in E. J. Evans (ed.), *Social Policy 1830–1914. Individualism, Collectivism and the Origins of the Welfare State* (London, 1978), 9.

<sup>39</sup> See p. 194 above.

<sup>40</sup> F. W. Maitland, *The Constitutional History of England* (Cambridge, 1908), 501. The lectures were delivered in Cambridge in 1887–8.

The 'increase in the number of paid agents' of the state was noted by Shaw-Lefevre in his address at the final SSA congress in 1884.<sup>41</sup> This owed much to the emerging professions and occupational specialities of the age which had an interest in the state's enlargement.<sup>42</sup> As Josephine Butler explained, 'When a host of salaried, permanent officials is once established, the system to which they belong must be perpetuated for their sakes.'<sup>43</sup> Many environmental reforms – public health legislation, the regulation of factories and mines, the Alkali Acts which reduced pollution – depended on the research and advocacy of doctors, scientists, and other professional men, whose vocation, conscience, and professionalism led them to call for intervention. The new medical profession in the 1860s and 1870s wanted to establish its credentials and to wrest control of policy from civil servants who did not accept medical claims to regulate public health. In 'state medicine' it fashioned an ideology of medical control over policy, and through the Joint Committee on State Medicine of the Social Science and British Medical Associations it was able to press its claims – though with only limited success – on government. As a forum in which 'experts' fashioned policy, the SSA lent itself to causes tending to expand the bureaucracy.

In the short term, however, the mid-Victorian consensus held until the early 1880s. Then, at the end of the Association's life, a change was signalled in a series of speeches which worried over the boundaries of the state far more directly than before. First the economist Thorold Rogers dealt with the subject in an address on 'Aspects of *Laissez-Faire* and Control' in 1883. Then Shaw-Lefevre and Viscount Lymington picked up the theme in 1884. Thorold Rogers provided an historical account of the doctrine of *laissez-faire* and ended with support for pragmatic interventionism. He could not 'define the precise limit at which *laissez-faire* ends, and the action of government, parliamentary or municipal, begins'; each case should be assessed on its merits.<sup>44</sup> In the following year, Lymington spoke of the creeping danger of 'state socialism'. He pointed to the 1867 Reform Act, 'which transferred the power in the towns to the working classes' and to 'recent Irish legislation' touching property rights, as encouraging an enlarged role for the state, and showed his displeasure.<sup>45</sup> Finally, Shaw-Lefevre presented 'an approving survey

<sup>41</sup> *T.1884*, 25.

<sup>42</sup> H. Perkin, *The Rise of Professional Society. England Since 1880* (1989) (London, 1990 edn), 15.

<sup>43</sup> Josephine Butler to repealers, 12 March 1872, Josephine Butler papers, Fawcett Library, London, 3134, quoted in Paul McHugh, *Prostitution and Victorian Social Reform* (London, 1980), 70.

<sup>44</sup> *T.1883*, 103. <sup>45</sup> *T.1884*, 73–82.



of the directions in which State intervention has, to the assumed advantage of the community, taken the place of *laissez-faire*'.<sup>46</sup> He noted conflicting tendencies across the period towards, on the one hand, 'freeing the action of individuals from the influence and control of the State', and on the other 'building up and constructing' on the part of governments. He went on to classify 'the different methods of State intervention'<sup>47</sup> and ended in expansive and optimistic praise for recent interventions.<sup>48</sup>

The interest is not primarily in their opinions but in their direct engagement with the question of the state itself for the first time.<sup>49</sup> The early 1880s saw a rise in class tension, the rediscovery of poverty, and growing dissatisfaction with the social achievements of the Liberals. These developments encouraged campaigns for improved housing and state assistance for the unemployed by philanthropic organisations, and led political groups on the left to espouse redistributive and progressive taxation to pay for welfare. Rising expenditure on defence ended the era of cheap central government and prompted the state to look for new sources of revenue. The agricultural and industrial depressions of the 1880s, which were caused, in part, by glutted world markets and overseas tariff barriers, led to demands for an end to free trade and an interventionist role for the state in managing the economy.<sup>50</sup> In new organisations as diverse as the Liberty and Property Defence League on one wing and the Fabian Society on the other, there was a more formalised political division over social interventionism, which emerged as a central question for the coming generation. The mid-Victorian consensus endorsing 'administrative interventionism' broke down because 'rearranging the furniture' was no longer sufficient to meet the needs of the state and different sections of society. Indeed, it may be argued that the continuing discourse on the place of the state originated at this juncture. This was the occasion when the mid-Victorian drift towards state activism, which was relatively uncontroversial in the 1860s, threatened to become a rush. It was conceptualised in rival interpretations – among them Goschen's *Laissez-Faire and State Interference* (1883), Spencer's *The Man Versus the State* (1884), and *Fabian Essays in Socialism* (1889) – as either the problem or solution of the age.<sup>51</sup> As Lymington put it in 1884, the politics of the future would focus on 'the statesmanlike handling of social questions'.<sup>52</sup>

<sup>46</sup> *The Times*, 18 Sept. 1884, 9.      <sup>47</sup> *T.1884*, 2–5.      <sup>48</sup> *Ibid.*, 24.

<sup>49</sup> Harris, *Private Lives, Public Spirit*, 205.      <sup>50</sup> *Ibid.*, 201–5.

<sup>51</sup> K. T. Hoppen, *The Mid-Victorian Generation 1846–1886* (Oxford, 1998), 124.

<sup>52</sup> *T.1884*, 78. 'It took no great astuteness on the part of the politician to foresee [in the 1880s] that social questions would occupy a prominent, perhaps pre-eminent place among political issues.' David Owen, *English Philanthropy 1660–1960* (Cambridge, Mass., 1964), 262.

The Social Science Association had been predicated on a different relationship with the state. Its demise in the mid-1880s was not coincidental, for 'administrative interventionism' was no longer enough. The age of collectivism had arrived.

## II. THE MAKING OF MID-VICTORIAN SOCIAL POLICY: BENTHAM, BUREAUCRATS, AND IDEAS

What does the history of the Social Science Association tell us about the *way* that state policy was made – about the factors influencing policy, and the process by which those factors were recognised and assimilated in government? In short, what does the SSA tell us about the so-called 'nineteenth-century revolution in government' in which the state was transformed to 'cope with the concomitant problems of an industrial society'?<sup>53</sup>

This subject, which once attracted considerable historical attention, has been neglected in recent years, perhaps because discussion moved away from the general adaptation of the state towards the particular issue of the influence of Bentham and his followers on developing policies. Dicey, in the first systematic survey of the growth of the Victorian state, had emphasised Bentham's influence, and later historians followed his lead.<sup>54</sup> The question became not how social policy was made in general, but whether policy was 'Benthamite' either in the sense of conforming to Bentham's doctrines, or because formulated and implemented by the philosopher's followers.<sup>55</sup> Those who disagreed with an interpretation of the growth of the state reliant on the reflexive pragmatism of bureaucrats sought to construct an alternative using the example of Bentham's influence. Bentham's ideological and practical legacy was weighed in the

<sup>53</sup> V. Cromwell, 'Interpretations of Nineteenth Century Administration: An Analysis', *Victorian Studies*, 9, 3 (March 1966), 246.

<sup>54</sup> A. V. Dicey, *Lectures on the Relation Between Law and Public Opinion in England during the Nineteenth Century* (London, 1905).

<sup>55</sup> See particularly, O. MacDonagh, 'The Nineteenth Century Revolution in Government: A Reappraisal', *Historical Journal*, 1 (1958); D. Roberts, 'Bentham and the Administrative State', *Victorian Studies*, 2 (1958–9), 193–210; H. Parris, 'The Nineteenth-Century Revolution in Government: A Reappraisal Reappraised', *Historical Journal*, 3 (1960), 17–37; J. Hart, 'Nineteenth Century Social Reform: A Tory Interpretation of History', *Past and Present*, 31 (1965), 39–61; L. J. Hume, 'Jeremy Bentham and the Nineteenth-Century Revolution in Government', *Historical Journal*, 10 (1967), 361–75; Cromwell, 'Interpretations of Nineteenth Century Administration', *passim*; MacLeod, 'Statesmen Undisguised', 1386–1405; Ursula Henriques, 'Jeremy Bentham and the Machinery of Social Reform' in H. Hearder and H. R. Loyn (eds.), *British Government and Administration. Studies Presented to S. B. Chrimes* (Cardiff, 1974), 169–86; Eugene Kamenka, *Bureaucracy* (Oxford, 1989), 122–4.

balance with the actions of well-meaning and empirically minded civil servants, the heroes of a so-called 'Tory interpretation of history', who may have pursued 'the greatest happiness of the greatest number' but who did so in ignorance of the principles of utilitarianism.<sup>56</sup>

The resulting debate did not shed light on the original questions concerning the overall transformation of the state. Nor was the nature and degree of Bentham's influence – the supplementary issue – made clearer. On the one hand there was no attempt to define the concept of intellectual influence and to elucidate the means by which ideas – whether derived from one specific source or conceived as a component of a more general structure of prevailing attitudes – are translated into practice.<sup>57</sup> On the other, there was no examination of the hidden intellectual and ideological imperatives in the seemingly reflex responses of bureaucrats to social ills. The historian who knows most about Bentham's circle has dismissed the argument about his influence on nineteenth-century legislation as 'rather a barren one'.<sup>58</sup>

By the 1850s and 1860s we can detect the language and logic of utilitarianism almost everywhere as it was subsumed into Victorian liberalism in general, and as former Benthamites – and John Stuart Mill is a very good example of this – found it possible to associate themselves with mainstream beliefs and political formations.<sup>59</sup> Brougham, Mill, and Chadwick were Benthamites in different ways and at different times and each was involved with the Law Amendment Society and the Social Science Association. But their sparing references to Bentham were ritual genuflections rather than evidence of his continued influence over them.<sup>60</sup> Bentham's example as a law reformer was occasionally noted at the Law Amendment Society<sup>61</sup> but its members had experiential rather than theoretical reasons for wanting change: the Society was composed of 'men whose profession made them *personally* aware of the inconvenience and injustice growing out of the proverbial uncertainties of the law'.<sup>62</sup>

<sup>56</sup> A. Ryan, 'Utilitarianism and Bureaucracy: The Views of J. S. Mill' in Gillian Sutherland (ed.), *Studies in the Growth of Nineteenth Century Government* (London, 1972), 36.

<sup>57</sup> Q. R. D. Skinner, 'Some Problems in the Analysis of Political Thought and Action', *Political Theory*, 2, 3 (1974), 280.

<sup>58</sup> William Thomas, *The Philosophic Radicals. Nine Studies in Theory and Practice 1817–1841* (Oxford, 1979), 10–11. See also Anthony Brundage, *England's "Prussian Minister". Edwin Chadwick and the Politics of Government Growth, 1832–1854* (London, 1988), 2–3.

<sup>59</sup> *Ibid.*, 172.

<sup>60</sup> See Chadwick to Brougham, 13 Sept. 1866, B MSS, 10831 and Chadwick's comments in *SP* 1869–70, 3.

<sup>61</sup> For example, *Morning Chronicle*, 22 Dec. 1851, 3.

<sup>62</sup> 'The Property of Married Women', *Westminster Review*, 66 (1856), 335 (my italics).

This was as true of Brougham as of anyone: in the matter of legal reform he spoke as a practising lawyer rather than a Benthamite.<sup>63</sup> Others who deployed utilitarian arguments and spoke its language in the SSA had little sense of themselves as Bentham's followers: they merely expressed the common sense of the age. Beside them were representatives of many other movements – Christian Socialism, Positivism, Manchester School liberalism, 'socio-medical liberalism', and the rest – who could join with utilitarians in support of institutional renewal under the aegis of mid-Victorian liberalism without endorsing the doctrines of a movement of the 1820s which had been diluted – if they had not entirely disappeared – by the 1860s.

No definitive 'answer' to the issue of Bentham's influence is proposed here: it is rather intended to draw attention to problems of defining and assessing 'influence' itself, and to suggest that the historical debate on Bentham's posthumous role in the making of policy may be, as a result, fundamentally flawed. We may therefore be able to agree in spirit with MacDonagh's conclusion that 'nothing is more mistaken than a "blanket" *prima facie* assumption that "useful", "rational" or centralizing changes in the nineteenth century were Benthamic in origin'. Can we also agree with him that 'the great body of such changes were natural answers to concrete day-to-day problems, pressed eventually to the surface by the sheer exigencies of the case'?<sup>64</sup> To reject the influence of one great thinker and one big idea – 'utilitarianism' – does not imply acceptance of the 'Tory interpretation' of the making of policy and the growth of the state. For the Tory interpretation is not supported by evidence from the Social Science Association.

The Tory interpretation explains reform as a series of stages. Social evils were first uncovered and then dealt with by legislation; in time, more legislation and improved superintendence and regulation followed, as defects in initial solutions became clear. Eventually, in light of experience, the state developed competence to deal on a continuing basis with problems as they arose. At this stage, a fully fledged bureaucracy was created with the expertise and authority to direct social development.<sup>65</sup> The civil service, in this interpretation, was staffed by careful, pragmatic, and resourceful men, seemingly without ideas of their own, but ready to find solutions based on the evidence presented. According to Kitson Clark, the development of social policy and the creation of the modern state

<sup>63</sup> Michael Lobban, *The Common Law and English Jurisprudence 1760–1850* (Oxford, 1991), 191–3 and 'Henry Brougham and Law Reform', *English Historical Review*, 115 (Nov. 2000), 1184–1215.

<sup>64</sup> MacDonagh, 'The Nineteenth-Century Revolution in Government', 65. <sup>65</sup> *Ibid.*, 58–61.

were 'the work of individuals reacting as best they might to particular problems and situations'.<sup>66</sup> In the mid-Victorian period in particular, the most important influences were 'the force of necessity' and 'the pressure of circumstances'.<sup>67</sup> The whole process could therefore be 'haphazard'.<sup>68</sup>

This model has several attractions: the concept of stages is clear and precise, and the image of reactive officials making policy on the hoof is certainly plausible: it undoubtedly explains some Victorian interventions. The state consistently returned to previous efforts and initiatives to perfect them, and it would be difficult to gainsay the general pattern of 'problem-intervention-review-regulation' that MacDonagh's model sets forth. Yet it is rather too simple in its neglect of crucial components of the process of policy formation including public opinion, extra-parliamentary and extra-governmental pressure groups, and, above all, the role of ideas, for their pervasive influence often made the process of reform rather more coherent and logical than the Tory interpretation would suggest.<sup>69</sup>

The existence and the history of the Social Science Association demonstrates the need for a broader, more dynamic and interactive model, in which social policies are seen to emerge from the negotiation of a wider array of factors and institutions. Bureaucrats did not have it all their own way: the fate of Joshua Jebb, brought low by the SSA's constant criticism of the English penal regime, is a case in point. Social evils were not suddenly and miraculously recognised by civil servants, but were brought to light by social investigators acting on their own initiative, or on behalf of voluntary organisations at a time when the state's knowledge and capacity to uncover information were often inferior to the experience and understanding of reformers outside government. The initial stages of bureaucratic action could be by-passed by organisations with good contacts in parliament: the Social Science Association, when at its most successful, was able to impose its agenda on the state by using its direct influence with MPs and ministers. There *were* heroic civil servants at the helm, with vision and bureaucratic capacity, but, as in the case of John Simon in 1858–9, they depended on alliances made with parliamentarians and with extra-parliamentary organisations like the SSA to secure their positions. The empirical model of the making of Victorian

<sup>66</sup> Kitson Clark, *An Expanding Society*, 147.

<sup>67</sup> *Ibid.*, 182.

<sup>68</sup> *Ibid.*, 153.

<sup>69</sup> Pat Thane has contrasted the relatively simple case of the Passenger Acts, the subject of MacDonagh's original research and the basis for his model, with the more complex situations in public health and education where there were many alternative solutions to problems and powerful adversaries to be overcome. See Thane, 'Government and Society in England and Wales', 20.

policy with which we have worked for too long is simply too narrow and too bureaucratic: it is focused on the state, at the expense of many other players and factors. The history of the Social Science Association suggests that the making of Victorian policy was more subtle and complex than the model allows: it was much more like the interplay by which contemporary social policy is made, as the resultant of many different interests, than we have appreciated.

Above all, if we reject the role of 'one big idea' – utilitarianism – in the making of social policy, we need to respect the role of 'several smaller ideas' instead. Public health reform was not an *ad hoc* process of responses to perceived threats to health and life: the medical men who controlled the Public Health Department at the SSA were driven by a detailed conception of 'state medicine', the blueprint for an alliance between professionalism and state activism. Though they failed to achieve their full programme, we must recognise, nevertheless, that their advocacy was founded on a plan. William Farr was not a dull statistician, but a man fascinated by the power of numbers to expose social evils and suggest their solution: statistics were the foundation of a powerful ideology of liberal improvement and progress.<sup>70</sup> The reformatory movement was active in the making of penal policy precisely to ensure that sudden reactions by the state to moral panics did not drive policy, but that, instead, the penal system after Transportation developed according to certain rational ideas about the best ends and methods of punishment. The movement was an embodiment of certain distinctive mid-Victorian attitudes and beliefs, and it followed ideas laid down in the late 1840s and early 1850s to their terminus in the settled penal system of the 1870s. Indeed, nothing so dramatises the clash of ideas in the making of social policy as the presence of Sir Joshua Jebb and Sir Walter Crofton at the 1862 congress in London to justify their rival schemes of penal discipline. How can we explain the feminist reforms in law and education which the SSA sponsored and pushed through *without* reference to ideational change – without noting the growth of a conviction among sections of the educated middle classes in the 1850s and 1860s that political, civil, legal, and institutional inequalities on grounds of gender were becoming outmoded? The improvement in the status of women in the second half of the nineteenth century amounts to one of the most profound changes of social outlook in all modern history, and in Britain it was

<sup>70</sup> J. M. Eyler, *Victorian Social Medicine. The Ideas and Methods of William Farr* (Baltimore and London, 1979).

initially channelled through the Social Science Association. The Married Women's Property Act and the creation of girls' secondary schools were not the products of bureaucratic action alone, but of new social ideals. Nor should it be forgotten that when the SSA considered the place of organised labour in British society, it did so in the context of theory, arguing about the legitimacy and the function of trade unions in relation to the categorisation of labour in political economy. In this case it is clear that the Home Office took a different view from that of the Association, approaching the issue as a practical, technical, and legal question, and consciously set economic arguments to one side. Nevertheless, the discussions at the Social Science Association faithfully reflected the wider debate in the nation on this question.

It must be remembered as well that in an era when the servants of the state were not yet bound by the modern conventions of the professional bureaucracy, the bureaucrats themselves were often party to such debates. John Simon, William Farr, Godfrey Lushington, and Lord Lyttelton, all of whom had responsibility for drafting or implementing legislation, were members of the SSA and participants in its councils. They were employed by the state just because they were already engaged with a particular issue and had a view on its resolution. Lushington knew about trade unions, not least from his participation in compiling *Trades' Societies and Strikes*, and was set the task of framing the 1871 Trade Union Act. Lyttelton had been a public advocate of girls' education in the 1860s, and a member of the Taunton Commission, and was a natural choice as an Endowed Schools Commissioner. He was joined by other men who had already formed an opinion – Hobhouse, Robinson, and Roby – and who were valued by the administration because they had given the reform of secondary schooling consistent attention over many years and had coherent – if also unpopular – ideas to put into practice. There was a vital traffic in personnel and ideas into and out of a still elastic and permeable civil service in the 1850s and 1860s. Policy was frequently made by men with a view, who may have encountered the problem itself in professional life, and who brought with them into government a fully formed set of ideas about its solution.<sup>71</sup> Or else it was made by officials with extra-governmental and professional relationships and loyalties, who learnt from their fellows outside the state in organisations like the Social Science Association or the Statistical Society of

<sup>71</sup> Jill Pellew, 'Law and Order: Expertise and the Victorian Home Office' in Roy M. MacLeod (ed.), *Government and Expertise. Specialists, Administrators and Professionals, 1860–1919* (Cambridge, 1988) 59.

London, or used such bodies in campaigns to impose their policies on the state. (Extra-parliamentary organisations and pressure are largely – and strangely – overlooked in the MacDonagh model and the discussion of its relevance.)<sup>72</sup> Or else policy was made through successful lobbying by organisations with access to a minister, as the SSA had access to Henry Bruce, Home Secretary between 1868 and 1873. Or it was made by ministers who openly attended meetings of the Social Science Association in order to consult with and learn from experts outside government – as Bruce himself attended in the 1860s before becoming Home Secretary. Social policy increasingly depended on a recognisable social-scientific community, composed of learned societies and their periodicals, professional organisations, enclaves of expertise in different departments of the civil service, and public fora like the SSA itself.<sup>73</sup>

In the light of the evidence it is now time to move beyond models of any type, and appreciate instead the rich complexity of social policy-making in Victorian Britain.<sup>74</sup> It cannot easily be explained in terms of defined stages; nor is it adequate to focus on government alone. It should be recognised that this subject cannot be left to a sub-discipline known as ‘administrative history’ that concerns itself with the institutions of a narrowly defined state structure. The ‘nineteenth-century revolution in government’ was propelled by many extra-governmental problems, institutions, and influences. Above all, it was propelled by ideas, lots of them, often in conflict with each other. Only a history designed to synthesise a host of elements – political, social, attitudinal, and ideational, as well as administrative – can do justice to it.

### III. EXPERTISE AND DEMOCRACY: THE SOCIAL SCIENCE ASSOCIATION AND MID-VICTORIAN POLITICAL THOUGHT<sup>75</sup>

In its contributions to the formulation of social policy in Victorian Britain the SSA was recognised as an expert forum.<sup>76</sup> It attracted the ‘service middle class’ – the doctors, lawyers, and civil servants then seeking positions in an expanding bureaucracy who constituted ‘the driving force of

<sup>72</sup> Peter Mandler, *Aristocratic Government in the Age of Reform. Whigs and Liberals 1830–1852* (Oxford, 1990), 40–1.

<sup>73</sup> Lawrence Goldman, ‘Experts, Investigators and the State in 1860: British Social Scientists through American Eyes’ in Michael J. Lacey and Mary O. Furner (eds.), *The State and Social Investigation in Britain and the United States* (Cambridge, 1993), 95–126.

<sup>74</sup> Keith Laybourn, *The Evolution of British Social Policy and the Welfare State* (Keele, Staffs., 1995), 130–6.

<sup>75</sup> This section draws on material first published in Goldman, ‘Experts, Investigators and the State’.

<sup>76</sup> Roy M. MacLeod, ‘Introduction’ in Roy M. MacLeod (ed.), *Government and Expertise. Specialists, Administrators and Professionals, 1860–1919* (Cambridge, 1988), 1–24.



social investigation and the formulation of social policy' in the nineteenth century.<sup>77</sup> According to *The Times*' almost Weberian insight as it surveyed the SSA at Newcastle, 'It would seem the cherished faith of many members of the Social Science Congress that the day is coming when statisticians and doctors will take the place of politicians and soldiers. We shall reason in figures and feel in chymical formulae.'<sup>78</sup> Observers paid tribute to the 'special knowledge and information' that 'the learned specialists' and 'experts' of the SSA displayed.<sup>79</sup> Russell lauded them at the Liverpool congress in 1858:

I must say that the persons to whom the utmost credit is due are those men . . . who have not been able hitherto, to collect public opinion into a great force, who have not been able to direct it with great power, but who, in their several capacities of lawyers, political economists, and physicians, have patiently inquired into these subjects, have at a great sacrifice of time (and in the case of the medical profession at a great risk of health and life also) devoted themselves to the improvement of their fellow-creatures.<sup>80</sup>

Charles Kingsley came to the 1869 Bristol congress – a 'feast of wisdom' as he described it – and was 'surrounded by men whose knowledge of practical details' was 'immeasurably superior' to his own.<sup>81</sup> It was the SSA's boast – and the reason for its foundation – that its collective understanding was superior to that of the legislature. As Chadwick – whose own career had been blighted in 1854 by the ignorance of the House of Commons – told the Association in 1869, 'better preparation is made by discussion here for safe action than in Parliament'.<sup>82</sup> Although the rise of 'technocracy' is associated with a later period – with the Webbs and New Liberals – the SSA was a powerful exponent of the claims of 'experts' in mid-century. The Victorians registered these claims as a challenge to the supremacy of the political class, as a 'contrast between political skills and professional expertise'.<sup>83</sup> The word 'expertise' apparently dates from the 1860s<sup>84</sup> and mid-Victorian political discussion focused on how to ensure its influence in the state.

<sup>77</sup> P. Smith, *Disraelian Conservatism and Social Reform* (London, 1967), 30. Robert Pemble's account of the SSA is based on contributions in the *Transactions* written by members of the three traditional professions of law, medicine, and the church. Robert Pemble, 'The National Association for the Promotion of Social Science, 1857–1886: Some Sociological Aspects' (unpublished MA thesis, University of Nottingham, 1968).

<sup>78</sup> *The Times*, 29 Sept. 1870, 9.

<sup>79</sup> *Glasgow Herald*, 30 Sept. 1874, 4; *Aberdeen Daily Free Press*, 21 Sept. 1877, 5; *Daily News*, 20 Sept. 1877, 5.

<sup>80</sup> *The Times*, 13 Oct. 1858, 12. <sup>81</sup> *T.* 1869, 45. <sup>82</sup> *SP* 1869–70, 2.

<sup>83</sup> John Roach, *Social Reform in England 1780–1880* (London, 1978), 165.

<sup>84</sup> Read, *England 1868–1914*, 133.

The experts faced battles on two fronts. There was the struggle to secure a position in a political system that remained essentially landed and aristocratic. Office and power in mid-Victorian Britain continued to depend on family and fortune rather than ability and skill. Experts were anomalous: their knowledge was required by the state, but their title to employment – expertise – carried little weight. They complained that their services went unrecognised and ill-rewarded, and that the state offered them little political protection.<sup>85</sup> The prejudice of a small lobby in the House of Commons did for the General Board of Health in 1854 and terminated Chadwick's career. John Simon resigned from the public service in 1876 believing that the influence of the poor-law bureaucracy would set back improvement of the nation's health. In the 1860s Sir Walter Crofton cultivated the earl of Carnarvon, the Conservative minister, volunteering his expertise in penal questions in the hope of securing a position in the Home Office. The earl found him useful but did not exert himself to advance Crofton's prospects.<sup>86</sup> William Farr was passed over for promotion to Registrar General in favour of a cavalry officer who was the brother-in-law of a minister.<sup>87</sup> In the 1860s 'first-division posts in the civil service, together with diplomacy, Royal Commissions, and government inspectorates, were still largely manned by the younger sons of landed families'.<sup>88</sup> At the heart of the nineteenth-century social-scientific tradition was the desire to replace arbitrary administration based on birth and status with systematic governance based on competence and objectivity. This was the meaning of Saint-Simon's dictum that government would be replaced by 'the administration of things'. Science would usurp ignorance and partiality.<sup>89</sup> The experts of mid-Victorian Britain never embraced this technocratic utopianism, but they did seek power to effect solutions in the public – and in their professional – interest.

The battle fought on the other front was less well-defined for the antagonist was the untutored democracy then emerging. How was expertise to secure its influence in an age ceding power to new classes lacking political experience and education? Put another way, were popular government and good government reconcilable? Some leading intellectual-politicians like Robert Lowe, a Liberal, and the third Earl Grey, a Whig, thought

<sup>85</sup> Richard Johnson, 'Administrators in Education before 1870: Patronage, Social Position and Role' in Sutherland (ed.), *Studies in the Growth of Nineteenth Century Government*, 122.

<sup>86</sup> Seán McConville, *English Local Prisons 1860–1900. Next Only to Death* (London and New York, 1995), 87–9, 148, 231.

<sup>87</sup> Eyler, *Victorian Social Medicine*, 190. <sup>88</sup> Harris, *Private Lives, Public Spirit*, 185.

<sup>89</sup> Brian Fay, *Social Theory and Political Practice* (London, 1975), 28–9.

not, and opposed extension of the franchise in 1866 on these grounds.<sup>90</sup> To favour social improvement and institutional modernisation did not necessarily imply support for political change.<sup>91</sup> The SSA was not a learned society for the discussion of technical issues by elite practitioners: its strategy in the 1850s and 1860s was to educate the new democracy rather than ignore it. As Edwin Lankester explained in his introduction to the *Journal of Social Science* in 1865, 'Although the facts and principles involved in each of the four departments of the Association are studied from a professional point of view by certain classes of persons, we shall seek to address the community at large, rather than any section supposed to be interested in the inquiries.'<sup>92</sup> As has been argued, the SSA was an intermediary between different political, social, and geographical elements. It mediated also between experts and the public, seeking to enlighten the electorate in the public interest and to secure the place of expertise in a plural, mass society. As statesmen attended the SSA to enhance their political authority in parliament, so the experts hoped that a broad constituency that appreciated their work would establish their *social* authority.

There was another option, however: to reform legislative and administrative structures and the electoral system so as to entrench expertise. Through the 1850s and early 1860s, as the experts endured a period of political instability and then the interlude of Palmerstonian quiescence, the nation periodically debated a second extension of the franchise. These debates considered the call for a more intelligent and informed House of Commons elected by the educated classes. 'The Educational Franchise' was sponsored by, if it did not originate among, members of the Social Science Association. It was communicated to Palmerston in December 1857 shortly after the SSA's first congress in Birmingham.<sup>93</sup> The memorial was signed by 'Bishops, Lords, Church dignitaries, masters of public schools, men of science, men of literature, Dissenting preachers and others',<sup>94</sup> many of them early members of the Association. They included Lords Brougham and Shaftesbury; Maurice, Kingsley and Ruskin; and experts like Chadwick and Arthur Helps, clerk to the Privy Council from 1860 to 1875. The suggestion of the Association's

<sup>90</sup> Gavin Coull, 'The Third Earl Grey, the Coming of Democracy and Parliamentary Reform, 1865-67', *Durham University Journal*, pt ii, 87 (July 1995), 185-93.

<sup>91</sup> Parry, *Rise and Fall of Liberal Government*, 208-9.

<sup>92</sup> 'Introduction', *Journal of Social Science*, 1 (Nov. 1865-Oct. 1866), 3-4.

<sup>93</sup> 'The Educational Franchise', *The Times*, 19 Dec. 1857, 8. [Anon.], *The Educational Franchise* (London, 1857).

<sup>94</sup> *The Times*, 21 Dec. 1857, 6.

involvement is based on circumstantial evidence only – the proximity to the inaugural congress, the number of signatories who were its supporters, and the views to which they subscribed. The pamphlet setting out the scheme had been published in 1853 and then reissued in 1857, suggesting that the foundation of the SSA had revived rather than initiated the idea.<sup>95</sup> It called for the creation of seventy geographical constituencies, each returning a single MP to replace an equal number of the smaller boroughs then represented in the Commons. In each of these constituencies the electorate would comprise ‘those classes who have had the advantage of a liberal education’ including clergymen, lawyers, doctors, officers in the services, other graduates of the universities, and ‘persons connected with literature, science and art’.<sup>96</sup> The aim was to introduce into parliament ‘some of the men best fitted for the task of legislation’.<sup>97</sup>

The scheme was an example of the so-called ‘fancy franchises’ then being debated as a basis for further enlargement of the electorate, and was generally derided as special pleading on behalf of a single class.<sup>98</sup> But the call ‘for a political recognition of the educated classes’<sup>99</sup> illustrated the ambitions of the professional middle classes and their dissatisfaction with a politics that did not value intelligence and expertise.

One man with leisure to devote to ‘the science of government’ in the late 1850s was Edwin Chadwick. He was obsessed with schemes to secure the position of officials.<sup>100</sup> During the Crimean War he suggested to Palmerston that he conduct a Royal Commission into the machinery of government.<sup>101</sup> In 1859 he presented a paper to the Law Amendment Society suggesting radical changes in ‘the chief methods of preparation for legislation’. Chadwick argued that investigation was an integral part of legislative procedure and that it was best undertaken by ‘a special Commission of Inquiry’. This commission would then draft legislation for debate by Parliament.<sup>102</sup> Procedures for expert control would have a permanent place in the machinery of state, and men like Chadwick

<sup>95</sup> See J. S. Mill to an unidentified correspondent 11 Dec. 1857 and J. S. Mill to Helen Taylor, 21 Feb. 1860 in *Later Letters of John Stuart Mill* (ed. F. E. Mineka and D. N. Lindley) in *Collected Works of John Stuart Mill* (ed. J. M. Robson) (33 vols., Toronto, 1963–91) xv, 543–4, 684.

<sup>96</sup> *The Times*, 21 Dec. 1857, 6.

<sup>97</sup> *The Educational Franchise*, 5, 8. F. D. Maurice to Thomas Hare, 30 April 1860, Papers of Thomas Hare, St John’s College, Oxford, MS 356.

<sup>98</sup> *The Times*, 21 Dec. 1857, 6; *Daily Telegraph*, 21 Dec. 1857, 3; *The Economist*, 26 Dec. 1857, 1427.

<sup>99</sup> *The Economist*, *ibid.*

<sup>100</sup> S. E. Finer, *The Life and Times of Sir Edwin Chadwick* (London, 1952), 475. <sup>101</sup> *Ibid.*, 487.

<sup>102</sup> Edwin Chadwick, *A Paper on the Chief Methods of Preparation for Legislation Especially as Applicable to the Reform of Parliament* (London, 1859). *TLAS*, 1858–9, liii–lvi. Chadwick to Brougham, 16 Nov. 1858, B MSS, 10812. Finer, *Edwin Chadwick*, 480.

would be sure of consistent influence. Mill may have used these ideas in developing his own schemes for constitutional reform published two years later in *Considerations on Representative Government*.<sup>103</sup> Mill's conception of a Legislative Commission, staffed by unelected officials who were to draft the bills that Parliament would debate, and his suggestion of ministerial cabinets – councils of 'able and experienced professional men' to guide ministers – were close in spirit to Chadwick's aims.<sup>104</sup> But the first of these ideas, at least, had been broached by Mill as early as 1840 when he visualised a 'skilled Senate, or Council of Legislation' to perform the function of parliamentary draftsmanship.<sup>105</sup>

In the same vein, the SSA gave time and space to the schemes of Thomas Hare for wholesale electoral reform. Hare was a learned barrister and, from 1853, an inspector under the new Charity Commission.<sup>106</sup> He published his ideas on the reform of voting in the *Machinery of Representation* in 1857 and in his 1859 *Treatise on the Election of Representatives, Parliamentary and Municipal*. He gave several papers to the Association which was clearly sympathetic.<sup>107</sup> Hare's proposals would have ensured that groups too thin on the ground in any particular location to elect an MP, or only able to elect a few, could band together so that the number of their representatives would be proportional to their numbers throughout the nation.<sup>108</sup> To achieve these objectives, Hare would have effectively turned the nation into a single constituency. Candidates were to stand in particular locations and represent them, but they could attract votes from anywhere. To gain election a candidate had to achieve the 'quotient' of votes: this was the total number of votes polled divided by the number of seats in the Commons. A candidate could stand in 'as many different constituencies as he may deem necessary to obtain a quotient of votes'. Meanwhile the elector had a free choice of any candidate standing anywhere, and could enter the names of all those he favoured in order of preference on the ballot paper. 'His vote will be taken for the first candidate he names, if it be wanted to make up his quotient,

<sup>103</sup> Finer, *Edwin Chadwick*, 480n. See D. F. Thompson, *John Stuart Mill and Representative Government* (Princeton, N. J., 1976), 122n, for a different view.

<sup>104</sup> J. S. Mill, *Considerations on Representative Government* (1861) (World's Classics edn, 1912), 220, 347.

<sup>105</sup> J. S. Mill, 'M. de Tocqueville on Democracy in America II' (Oct. 1840) in *Collected Works of John Stuart Mill* (ed. J. M. Robson), XVIII, 204.

<sup>106</sup> *DNB*, Supplement, 815–16.

<sup>107</sup> For Hare's papers on electoral reform see *T.1862*, 110–12; *T.1865*, 163–71; *T.1866*, 202–8; *SP 1868–9*, 59–67; *SP 1870–1*, 215–26; *T.1879*, 218–28. His first paper to the 1859 congress, 'On the Mode of Electing Representatives in Parliament and Municipalities' was not printed in the *Transactions*.

<sup>108</sup> *T.1879*, 218.

if not for the next, and so on, that if possible no vote may be lost.<sup>109</sup> In other words, once a candidate had secured the requisite 'quotient' of votes, the second preferences of electors who had placed him first on their lists would be counted instead. In turn, third preferences would be counted when an elector's second preference had secured the quotient, and so on.

There were loopholes in the scheme and abundant scope for confusion in the combination of local and national constituencies. It would have involved an enormous increase in the central organisation of Victorian elections, not least for the counting and transfer of votes according to the preferences of hundreds of thousands of voters. To Hare's great supporter John Stuart Mill, speaking at an SSA meeting, 'It was enough to put one out of temper to hear intelligent gentlemen say they could not understand Mr. Hare's plan. It was not anything like so difficult as the multiplication table.'<sup>110</sup> But hardly anyone agreed: the political class, even those who favoured franchise extension, shunned it. Russell, for example, trusted 'the suffrage will be extended on good old English notions of representation. I should be sorry to see the dangers of universal suffrage and of unlimited democracy averted or sought to be averted by contrivances altogether unknown to our habits, such as the plan of Mr. Hare.'<sup>111</sup>

Russell may have disliked the contrivances, but he was astute enough to have appreciated Hare's real aim: to secure the representation of intellect and ability in the forthcoming democratic age.<sup>112</sup> Minorities across the nation previously without influence would now have representatives in parliament. The minority for whom Hare cared most were men of intellect, who, under the existing system, stood for election infrequently, and when they stood, lost all too often, because in any conventional constituency there were too few intelligent and incorruptible electors.<sup>113</sup> As Hare explained to the SSA, 'Government requires knowledge, thought, deliberation, respecting things necessary or proposed to be done, and fitness of persons to do them, or to whom the ultimate consideration should be committed.'<sup>114</sup> Fit and proper persons could be elected in Hare's scheme and serve as counterweights to aristocratic inefficiency and the ignorance of the people.<sup>115</sup>

<sup>109</sup> *T.1866*, 202–3.    <sup>110</sup> *The Times*, 11 April 1865, 10. See also *T.1879*, 220.

<sup>111</sup> Lord John Russell, *An Essay on the History of the English Government and Constitution* (London, 1865), 239.

<sup>112</sup> *T.1866*, 208.    <sup>113</sup> *T.1865*, 165–9.    <sup>114</sup> *T.1871*, 220–1.

<sup>115</sup> For appreciation of Hare's ideas, see *SP 1868–9*, 67–70.

Hare's ideas never came to anything, though current interest in proportional electoral systems has renewed curiosity in his proposals.<sup>116</sup> His mechanism was discussed widely in the 1860s, however, and gained in contemporary influence and in retrospective historical significance through the support it received from John Stuart Mill. Mill was grappling with similar problems at this time: first, the preservation of minority rights in majoritarian democracies, which was a central theme in *On Liberty*; second, the application of expertise to legislation and administration under popular government, explored in *Considerations on Representative Government*. Mill had declined to sign the petition for an 'Educational Franchise' on a question of means rather than ends. He agreed 'in the opinion that educated persons should count in a greater ratio than that of their mere numbers in the constituency of the country', but disliked the electoral apparatus suggested.<sup>117</sup> In 1859 he suggested as an alternative, a system of plural or 'cumulative' voting weighted in favour of the educated classes under which the 'ordinary skilled labourer' might have a single vote, while a 'member of any profession' might have five or six votes, with gradations in between making political influence proportional to educational attainment.<sup>118</sup>

Soon after publishing these ideas in the pamphlet *Thoughts on Parliamentary Reform*, Mill received from Hare (whom he did not then know) a copy of *The Election of Representatives, Parliamentary and Municipal* and was rapidly converted. As he wrote to Hare in March 1859 in almost apocalyptic mode, 'You appear to me to have exactly and for the first time, solved the difficulty of popular representation; and by doing so, to have raised up the cloud of gloom and uncertainty which hung over the futurity of representative government and therefore of civilization.'<sup>119</sup> From then onwards Hare's scheme 'became, after women's suffrage, the greatest practical interest of his life',<sup>120</sup> though relatively few contemporaries shared Mill's enthusiasm: the House of Commons could not disguise its amusement and even contempt when Mill proposed the plan as an amendment to the Second Reform Bill on 30 May 1867.<sup>121</sup> But Mill's reception was much more positive at a special meeting of the SSA

<sup>116</sup> Jennifer Hart, *Proportional Representation. Critics of the British Electoral System 1820-1945* (Oxford, 1992), 24-85. Floyd D. Parsons, 'Thomas Hare and the Victorian Proportional Representation Movement, 1857-1888' (unpublished PhD dissertation, Cambridge, 1990).

<sup>117</sup> J. S. Mill to unidentified correspondent, 11 Dec. 1857, *Later Letters of John Stuart Mill*, xv, 543. See also J. S. Mill, *Thoughts on Parliamentary Reform* (London, 1859), 22-23n.

<sup>118</sup> *Ibid.*, 20-2. <sup>119</sup> Mill to Hare, 3 March 1859, *Later Letters of John Stuart Mill*, xv, 598-9.

<sup>120</sup> M. St John Packe, *Life of John Stuart Mill* (London, 1954), 417.

<sup>121</sup> *Hansard*, 3rd series, CLXXXVII, 1343-62, 30 May 1867.

in April 1865 where Hare developed his scheme in public. Mill then commended a reform that would have given electors the choice 'of all the eminent men in the country. The clubs would no longer be able to send a mere booby with £3000 or £4000 in his pocket. If they did not send down a man of merit, the electors would choose a man of merit for themselves.'<sup>122</sup>

To draw Mill into the discussion moves it beyond social and administrative history into the history of Victorian political thought. This is another context in which to situate the Social Science Association, for it was an expert forum in an age thinking deeply about the place of expertise in democratic politics. Mill can be read as an exponent of the claims of the new experts and officials in Victorian society. As a servant of the East India Company for thirty-five years who rose to a position comparable to that of an under-secretary of state in which he was 'virtually head of the Indian administration', he was one of them.<sup>123</sup> As a member of the community of experts he shared their *esprit de corps*. He knew Chadwick, Arnott, Southwood Smith, Henry Cole, Henry Taylor, and a host of lesser officials personally. Mill's suggestions on the more practical aspects of politics are to be understood not only as a theoretical engagement with the problems of expertise in democracy but as representing the preoccupations of the service middle class in government.

*Representative Government* pays tribute to 'the acquired knowledge and practised intelligence of a specially trained and experienced few'.<sup>124</sup> Such qualities were entirely lacking in parliament which Mill termed a 'tribunal of ignorance'. To Mill 'the utter unfitness of our legislative machinery for its purpose is making itself practically felt every year more and more'.<sup>125</sup> It was a common judgment on the politics of the 1850s as we have noted in explaining the origins of the SSA. Mill thus proposed a division between 'doing the work' and 'causing it to be done'.<sup>126</sup> As the drafting of legislation demanded skill and knowledge, it should be left to a commission 'not exceeding in number the members of a Cabinet'.<sup>127</sup> Bills so drafted would then be sent back to parliament, which would retain 'the power of passing or rejecting the bill... but not of altering it otherwise than by sending proposed amendments to be dealt with by the Commission'.<sup>128</sup> Parliament would thus 'watch and control the

<sup>122</sup> *The Times*, 11 April 1865, 10. <sup>123</sup> Packe, *Life of John Stuart Mill*, 36.

<sup>124</sup> Mill, *Representative Government*, 228, 225.

<sup>125</sup> *Ibid.*, 221–2. <sup>126</sup> *Ibid.*, 223. <sup>127</sup> *Ibid.*, 220, 223.

<sup>128</sup> J. S. Mill, *Autobiography* (1873), *Collected Works of John Stuart Mill* (ed. J. M. Robson), 1, 265.



government' but it would not take a role in expert executive tasks for which its size and composition made it unsuitable.<sup>129</sup>

In Hare's scheme for electoral reform and in blueprints for reordering parliamentary business, Mill hoped to secure good government within popular government. He believed that representative institutions were superior to other forms of political organisation but, as is well known, also believed that 'the natural tendency of representative government, as of modern civilization, is towards collective mediocrity'.<sup>130</sup> Democracy threatened class legislation on the part of the majority; it also threatened 'a low grade of intelligence in the representative body, and in the popular opinion which controls it', especially in view of the shameful state of public education in England in 1860.<sup>131</sup> Political institutions should secure 'conduct of affairs by skilled persons, bred to it as an intellectual profession, along with that of a general control vested in, and seriously exercised by, bodies representative of the entire people'.<sup>132</sup> The aim was to create a 'skilled democracy'.<sup>133</sup>

Mill attended several sessions of the Social Science Association in London and seems to have been in sympathy with its expert milieu. In 1864 he attended a meeting on the subject of electoral corruption and allowed his name to go forward as a member of a specially constructed committee formed to combat it.<sup>134</sup> In 1865 and 1871 he led the discussion following the delivery of papers on electoral reform by Hare himself.<sup>135</sup> His report on the second of these meetings was fulsome:

A more satisfying debate than this he had not often had the pleasure of hearing. There was not one speaker who did not show that he was entitled to be heard on the subject, and he thought that there was not one who had not contributed something useful to the debate. It was also extremely satisfying to find that it was not necessary to defend Mr. Hare's system; no speaker had contested it.<sup>136</sup>

In 1871 he attended a meeting of the Association's Council which considered policy towards the Contagious Diseases Acts. He was certainly opposed to the Association's defence of these latter measures and, much earlier, he seems to have considered resigning from the Council because

<sup>129</sup> Mill, *Representative Government*, 226. <sup>130</sup> *Ibid.*, 259.

<sup>131</sup> *Ibid.*, 247. <sup>132</sup> *Ibid.*, 236. <sup>133</sup> *Ibid.*

<sup>134</sup> Mill to Chadwick, 1 April 1864, *Later Letters of John Stuart Mill*, xv, 933. *Social Science Review*, 1 (May 1864), 467-70. For details of this committee, see 'Proposed Organization for Restraint of Bribery and Expenditure at Elections' and a letter from the SSA to Stanley, 3 May 1864 in 'Social Science Association' file, Stanley papers, Liverpool Record Office, 920 (DER) 15.

<sup>135</sup> *The Times*, 11 April 1865, 10; Mill to Henry Fawcett, 12 April 1865, *Later Letters of John Stuart Mill*, xvi, 1030-1; *SP 1870-1*, 215-35 (13 Feb. 1871).

<sup>136</sup> *SP 1870-1*, 234.

of his disagreement over the Educational Franchise. Yet he also endorsed the Association with enthusiasm: 'The meetings of that body are of considerable use in getting an audience for new views of things practical.'<sup>137</sup> He was especially attracted by its feminism and its appointment of women officials.

Mill was an appreciative, if not an active member of the Association, therefore, and what he appreciated was caught in his comments to it on the reform of elementary education. In March 1870 he attended a session at which Chadwick delivered a paper on Forster's education bill.<sup>138</sup> Chadwick was contemptuous of a bill that bore the hallmarks of inexpert preparation: the occasion allowed for a further assault on a system of government that had neglected his talents and those of others like him.<sup>139</sup> For Mill, however, it was an opportunity to present a more constructive view of the desired relationship between expertise and representative government. After setting forth his views of the immediate question – he opposed denominational teaching, favoured large and diverse schools, and advocated the creation of a Ministry of Education to offset local control – he touched once more on the central questions of the age:

His idea of popular government was, a government in which statesmen, and thinking and instructed people generally pressed forward with their best thoughts and plans, and strove with all their might to impress them on the popular mind. What constituted the government a free and popular one was, not that initiative was left to the general mass, but that statesmen and thinkers were obliged to carry the mind and will of the mass along with them.<sup>140</sup>

It is difficult to think of a more appropriate forum than the Social Science Association in which to have set forth this political model, integrating intelligence with democracy. These were not casual remarks, but an affirmation of the SSA's place in this distinctive mid-Victorian political structure. The Association was often dull and occasionally faintly ludicrous, but at its best it mediated between parliament, experts, and the people, instructing both the political class and the wider population in the technicalities of reform. It was an institutional response and solution to 'the great problem of modern political organization' as Mill defined it in his *Autobiography*: 'the combination of complete popular control over public affairs with the greatest attainable perfection of skilled agency'.<sup>141</sup>

<sup>137</sup> Mill to Hare, 4 May 1859, *Later Letters of John Stuart Mill*, xv, 618. See also Mill to Hare, 6 Aug. 1859, *ibid.*, 632–3.

<sup>138</sup> Edwin Chadwick, 'On the New Education Bill', *SP 1869–70*, 261–84. For Mill's contribution see *ibid.*, 348–51.

<sup>139</sup> *SP 1869–70*, 281; 361–2. <sup>140</sup> *Ibid.*, 351. <sup>141</sup> Mill, *Autobiography*, 265.

The SSA belongs in histories of social policy and reform where it has been situated conventionally. It also deserves a place in Victorian political thought as an arena in which leading figures confronted the dilemmas in the coming of democracy.

Mill recognised in *On Liberty* that rational political conduct depended on open public debate.<sup>142</sup> He also favoured centralising expertise and then widely diffusing social information, allowing citizens and institutions to learn from the experience of others.<sup>143</sup> The political virtues that Mill was seeking to emphasise in the early 1860s – skill and ability harnessed to discussion and participation – point towards the Social Science Association and its formula of expertise in a popular forum. The SSA was an oblique response to the problems that Mill, Hare, and those who subscribed to the ‘Educational Franchise’ were revolving in their minds and debating in the journals. This was not appreciated at the time, of course: the Association had more obviously practical objectives than linking expertise and democracy. Its place in the institutional and political history of the age nevertheless invites such an interpretation. Its manifest function was to assist the reform of the laws, but its latent function was to project specialist knowledge towards government in one direction and the people in the other, acting as intermediary between them.

<sup>142</sup> J. S. Mill, *On Liberty*, 41.

<sup>143</sup> *Ibid.*, 123, 127–8.



PART III

*Science*



*Social science in domestic context: popular science, sociology, and a 'science of reform'*

## I

In October 1857 the exiled French socialist Louis Blanc wrote to the *Daily Telegraph* to welcome the foundation of the Social Science Association and to assert that social science and socialism were identical: 'socialism is nothing more than a sincere and scientific inquiry into matters which Lord Brougham declares to be eminently deserving of attentive study'.<sup>1</sup> In the spring of 1883, Beatrice Potter (Beatrice Webb of the future) met for the first time Eleanor Marx, daughter of Karl Marx, in the tea room of the British Museum. Eleanor Marx explained that the 'socialist programme was a deduction from social science, which was the most complicated of all sciences'. Beatrice Potter replied that political economy was 'the only social science we English understood'.<sup>2</sup> Yet she was soon to begin a series of experiences, including collaboration with Charles Booth in his early surveys of the *Life and Labour of the People of London*, which led her to reject 'the self-contained science styled Political Economy, apart from the study of human behaviour in society – that is to say, of social institutions, or Sociology'.<sup>3</sup> Her own contributions to social science were subsequently characterised by exhaustive empirical procedures in the analysis of social institutions in and through time. In Beatrice Webb's case, this form of social science led not to Marxian socialism but Fabian collectivism.

These anecdotes convey two things about nineteenth-century social science. First, there was intense interest in the construction of a social science but no agreement on its definition or form. Second, we must conceptualise a struggle in which different political groups and ideologies fought for control of its meaning to legitimise their particular view of society. Devotees believed that their political creed – be it

<sup>1</sup> *Daily Telegraph*, 20 Oct. 1857, 3. See also *ibid.*, 22 Oct. 1857, 3; 23 Oct. 1857, 3.

<sup>2</sup> Beatrice Webb, *My Apprenticeship* (London, 1926), 301–2n. <sup>3</sup> *Ibid.*, 373.

Comtean positivism, marxism, socialism, collectivism, or *laissez-faire* liberalism – was ‘scientific’ or normative: that they had reached irrefutable conclusions through processes of deductive reasoning and/or inductive analysis of social information, which lifted their beliefs above mere ideologies to the status of true sciences.<sup>4</sup> The proliferation of different social sciences, while making the intellectual and political contest the more intense, confused contemporaries and undermined the claims of any single version.

In Britain alone there were many attempts to establish the science of society. The statistical societies of the 1830s and 1840s, the Social Science Association itself, and later the Sociological Society, all staked a claim to the term; while a variety of institutions were founded to appropriate parts of the whole, including the Political Economy Club, the Ethnological Society of London, and the Anthropological Society, among many others.<sup>5</sup> Beyond institutions, there were groups of different types with a claim on social science. Some were recognisably academic such as the Cambridge inductivists of the 1830s including the natural scientist, William Whewell; the mathematician, Charles Babbage; and the political economist, Richard Jones, in turn Professor of Political Economy at King’s College, London and the East India College, Haileybury, who together sought to establish a statistical social science.<sup>6</sup> Others were intrinsically political, such as the Philosophic Radicals of the 1820s and 1830s who followed Bentham. There were movements, part social and also quasi-religious, like the Owenites and the English Positivists, whose followers looked to Robert Owen and Auguste Comte respectively, both of whom claimed to have discovered the laws of social science. Later, Darwinian ideas and their corruption inspired attempts to demonstrate the identity of the social and natural worlds premised on the concept of ‘social evolution’. There were also lone scholars who laboured to show the system within society: Henry Thomas Buckle was one such, whose most famous work, *History of Civilization in England*, was published just weeks before the SSA was founded.

<sup>4</sup> D. Rueschemeyer and T. Skocpol, ‘Conclusion’, in D. Rueschemeyer and T. Skocpol (eds.), *States, Social Knowledge and the Origins of Modern Social Policies* (Princeton, 1996), 302. Eileen Janes Yeo, *The Contest for Social Science. Relations and Representations of Gender and Class* (London, 1996).

<sup>5</sup> M. J. Cullen, *The Statistical Movement in Early Victorian Britain: The Foundation of Empirical Social Research* (Hassocks, 1975); R. J. Halliday, ‘The Sociological Movement, the Sociological Society and the Genesis of Academic Sociology in Britain’, *Sociological Review*, n.s., 16 (1968), 377–98.

<sup>6</sup> Lawrence Goldman, ‘The Origins of British “Social Science”: Political Economy, Natural Science and Statistics, 1830–1835’, *Historical Journal*, 26, 3 (1983), 587–616. Mary Poovey, *A History of the Modern Fact. Problems of Knowledge in the Sciences of Wealth and Society* (Chicago and London, 1998), 307–17.



Nineteenth-century social science was the product of two great changes, one intellectual, the other material. The European Enlightenment of the seventeenth and eighteenth centuries had stimulated the development and institutionalisation of the natural sciences and had created a new 'map of knowledge' and taxonomy of subjects – a new 'order of things' in Foucault's phrase – which is with us still.<sup>7</sup> This included social science as one of the departments of human speculation. The very success of Enlightenment natural science in explaining the principles of a Newtonian universe provided a model for the study of human societies. Indeed, social science would be the culmination of Enlightenment science, applying the new philosophy to that most recalcitrant subject, man himself. As Buckle wrote,

It is this deep conviction, that changing phenomena have unchanging laws and that there are principles of order to which all apparent disorder may be referred, – it is this, which, in the seventeenth century, guided in a limited field Bacon, Descartes, and Newton; which in the eighteenth century was applied to every part of the material universe; and which it is the business of the nineteenth century to extend to the history of the human intellect.<sup>8</sup>

The material changes of an industrial age were a second reason for taking up social science. Nineteenth-century social science was held together by a common agenda of objects of analysis: the expansion of population and the growth of industries and manufacturing which were of interest to members of the statistical movement in the early nineteenth century; the development of mass culture and democracy, which were central themes in the age of Tocqueville and Mill; and, in the late nineteenth century, the growing awareness of complexity, interdependence, and specialisation within mature industrial societies which encouraged, even before publication of *The Origin of Species*, an evolutionary framework of thought in which human societies, like biological organisms, were seen to develop from simple to complex structures.<sup>9</sup>

However, these *objects* of analysis did not throw up new *concepts* of analysis. Nineteenth-century social science, at least before the classical era of Weber and Durkheim, was synthetic, modelling itself on other sciences, and employing ideas drawn from them. Even here there was no agreement as to the most appropriate model: mathematics, physics, or

<sup>7</sup> Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (Paris, 1966) (English edn, 1970), xix–xxii. Poovey, *History of the Modern Fact*, esp. 16–18.

<sup>8</sup> Henry Thomas Buckle, *History of Civilization in England*, 2 vols., (London, 1857, 1861), I, 807.

<sup>9</sup> See, for example, [Herbert Spencer], 'Progress: Its Law and Cause', *Westminster Review*, n.s., II (April 1857), 445–85.

biology? Bentham wrote of a 'social calculus'.<sup>10</sup> Comte in France, and Quetelet, the Belgian statistician, both of whom had powerful influence over British contemporaries, imagined a 'social physics'.<sup>11</sup> Meanwhile, the language of social science had always and instinctively employed biological analogies. One member came before the SSA in 1858 to outline a 'comparative sociology'. In this putative science 'the principle of comparative anatomy, that of proceeding from the simplest type to the most complicated and highly developed condition, would be applied to the investigation of the natural laws which regulate society'.<sup>12</sup> In many different projects, human society was compared to an organism, subject to periods of disorder, and hence requiring remedial intervention. Such language encouraged a turn towards social policy, and could be used to legitimate external intervention, be it from the state or some voluntary agency. Once see the 'body politic' as unwell, and therapy must follow. It also encouraged the wholesale integration of social with organic paradigms in the form known as 'Social Darwinism', in which a version of evolutionary theory was held to apply to human society and to mandate social ethics and organisation founded upon it.

As Beatrice Webb acknowledged, in Britain social science had also to contend with competition from political economy. The original Enlightenment project of a social science, as developed in the Scotland of Smith and Hume, had encouraged the study of economic life as a component of the science of morals and legislation. But economic transformation led minds of great insight to focus on a limited set of economic interactions and to explain them in a deductive system of beguiling clarity. Ricardian economics was perhaps the greatest triumph of Enlightenment science applied to the study of man.<sup>13</sup> But its exactitude entailed a weakness: the neglect of non-economic aspects of human behaviour and non-economic institutions. To achieve the form of a deductive science, political economy made assumptions about human nature which were vigorously contested; ignored the diversity of economic practices across different societies and periods; and disregarded empirical data which might confute its deductions. Political economy aspired to universalism and objectivity: its detractors saw it as barely

<sup>10</sup> Mary P. Mack, *Jeremy Bentham: An Odyssey of Ideas* (London, 1962), 18, 243–53, 269–70.

<sup>11</sup> Adolphe Quetelet, *Sur l'Homme et le Développement de ses Facultés: Physique Sociale* (Brussels, 1835).

<sup>12</sup> Revd W. N. Molesworth, 'Suggestions for the Institution of a New Social Science, under the Name of Comparative Sociology', *T.1858*, 697.

<sup>13</sup> David Ricardo, *On the Principles of Political Economy, and Taxation* (London, 1817); Mark Blaug, *Ricardian Economics: A Historical Study* (New Haven, 1958).

applicable to a single society, and as providing an inaccurate account of social and individual behaviour. To its critics it had so limited its scope and method as to be of little value in the explanation of real economic interactions. It claimed the status of science, but it, too, was merely an ideology, representing the world in the interests of capital. Classical political economy told of a wages fund that must limit the remuneration of labour; trade unionists at the Social Science Association had direct experience of increasing their wages without adverse effects. Nevertheless, political economy achieved pre-eminence in Victorian life, filling the intellectual space that devotees of social science believed was rightfully theirs. Many of the social-scientific projects of the age, including the inductivism of Jones and Whewell, the Positivism of Frederic Harrison, the historical economics of T. E. Cliffe-Leslie, and the institutionalism of Beatrice Webb, were designed to analyse social and economic interactions as they actually occurred, and to demonstrate the limitations of classical and neo-classical political economy.<sup>14</sup> As Eleanor Marx would have known from the very labours of her father, Marxism was also 'a contribution to the critique of political economy' as Marx's text of 1859 was entitled. It sought to vindicate its claim to be a 'science' by demonstrating that political economy was but a bourgeois ideology.

The historian of social science faces the problem of definition. Are all these competing projects to be included, and, if so, what unites them? The problem has sometimes been dealt with by ignoring the need for definition entirely, or by presenting only a limited spectrum of projects which are definable because conformable. The latter approach usually entails narrowing social science to the work of social theorists and the analysis of their texts at the expense of projects that did not take this form, and of any wider consideration of social science as an aspect of general culture. It has generally involved neglecting what has become known as 'empirical sociology' – the investigation of society through the collection of social data. It is agreed that this neglect results in a very inaccurate account of the development of the discipline but correcting the imbalance is notoriously difficult.<sup>15</sup> In mitigation, the history of social science shows that the collection and analysis of social statistics and the development of theories of social action have usually been undertaken

<sup>14</sup> Goldman, 'The Origins of British "Social Science"', 615–16.

<sup>15</sup> Raymond Aron, *Main Currents in Sociological Thought* (2 vols., Harmondsworth, 1967 edn), II, 8. E. Shils, 'Tradition, Ecology and Institution in the History of Sociology', *Daedalus*, 99 (1970), 766. P. F. Lazarsfeld, 'Toward a History of Empirical Sociology' in E. Privat (ed.), *Mélanges en l'Honneur de Fernand Braudel, Méthodologie de l'Histoire et des Sciences Humaines* (Toulouse, 1973), 290.

separately, by different practitioners, and with little attempt to relate the two enterprises.<sup>16</sup> But whether the neglect of the empirical tradition in social science is embedded in its history, or the fault of those who have written that history, it has had particularly adverse effects on an estimation of British social science given the national tradition of empirical social investigation. Certainly the standard division in the literature between social theory and social research does little justice to the intellectual aspirations of the Victorian age. The mid-nineteenth-century statistical movement in Britain was more than an exercise in the collection of useful information: William Farr and other pioneers aspired to collect data to demonstrate the regularities in human behaviour and social organisation, and hence establish statistics as a predictive social science in itself.<sup>17</sup> This was Buckle's inspiration: if statisticians could show that human behaviour – birth rates, death rates, crime rates – were regular and hence predictable, then a truly scientific history seemed possible.

If certain types of social science have been ignored, therefore, so also have certain ways in which knowledge was institutionalised in the nineteenth century. The SSA was not a learned society and sponsored relatively little social investigation itself. It attracted the occasional participation of social theorists – Mill, Spencer, and Le Play attended – but only in discussions on matters eminently practical. It represents a different way of organising and applying social knowledge that is not easily classifiable in our contemporary terms. Very few of its members were employed in social research and derived their professional identity from such work, though this was not unusual: the professionalisation of the social sciences in Britain was a slow process over many decades, and many of the most important social-scientific contributions before the mid-twentieth century were made by members of other professional groups, such as lawyers, doctors, businessmen, and gentlemen-scholars. In similar fashion, we can acknowledge the contributions of public servants to the development of social science, and trace back the state's competence in social research to the age of Chadwick, Farr, and Simon. But we must be aware that these men worked in a relatively unformed state structure in which the boundaries between government and civil

<sup>16</sup> John H. Goldthorpe, 'Sociology and the Probabilistic Revolution, 1830–1930: Explaining an Absent Synthesis' in John H. Goldthorpe, *On Sociology. Numbers, Narratives, and the Integration of Research and Theory* (Oxford, 2000), 260.

<sup>17</sup> John M. Eyler, *Victorian Social Medicine. The Ideas and Methods of William Farr* (London, 1979); Lawrence Goldman, 'Statistics and the Science of Society in Early Victorian Britain: An Intellectual Context for the General Register Office', *Social History of Medicine*, 4, 3 (Dec. 1991), 415–34.

society were unmarked. Thus they appeared to their contemporaries to be members of scientific and learned communities, and also of activist pressure groups, as well as members of a bureaucracy simultaneously. Again, a contemporary sense of the boundaries between different types of institution and different social practices does not fit the past.

The difficulty of appreciating the ways in which social science was institutionalised in the nineteenth century only increases when considering movements like Owenism and Positivism, which claimed to be based on the principles of social science, and which spread knowledge of those principles in Owenite Halls of Science and the Positivist Church rather than lecture rooms and periodicals. Social science was, for both movements, the foundation of a secular faith. As Christianity ebbed and the Bible lost its social authority, so other systems of knowledge were devised to instruct and direct society: here is another source of Victorian social science. For members of 'secular religions' like Positivism and Owenism science would promote reason, reason would promote brotherhood, and in brotherhood society would be reformed to comply with the principles of social science. A comprehensive history of social science must find room for such movements, not least because their influence in nineteenth-century Britain – and on the Social Science Association – was palpable. But again, they do not fit into the familiar categories of historical and sociological analysis: the combination of science and religion (and non-Christian religion at that) is as much a challenge to our sense of academic proprieties as it was to Victorian religious sensibilities.

A comprehensive history of social science must also grasp the existence of a 'sociological imagination' that was never institutionalised at all, and never recognised its affinities with formal academic projects in social science. C. Wright Mills observed that in comparison with other industrial societies, England was late to recognise the educational claims of sociology and institutionalise it in universities. Yet the culture was remarkably self-analytical: 'In England . . . sociology as an academic discipline is still somewhat marginal, yet in much English journalism, fiction, and above all history, the sociological imagination is very well developed indeed.'<sup>18</sup> Dickens, Carlyle, Thackeray, Macaulay, and Mayhew (who was a member of the Law Amendment Society) gave mid-Victorians an acute sense of themselves, and of the depths to which their compatriots could sink or be pushed, without claiming the authority of science. As Hawthorn concluded, in the early twentieth century 'sociology was virtually absent

<sup>18</sup> C. Wright Mills, *The Sociological Imagination* (1959) (Harmondsworth, 1970 edn) 26n.

in England as an intellectually and academically distinctive pursuit because it was virtually everywhere present as part of the general liberal and liberal-socialist consciousness'.<sup>19</sup>

These observations throw up a further 'problem of genre' in writing the history of nineteenth-century social science. A discipline lacking agreed procedures and aims encouraged a plethora of analytical styles: the learned periodical article; the communication to a provincial statistical society; the formal public address and informal intervention at the SSA; the grand, theoretical treatise. To define social science in terms of a limited number of theoretical texts has scholarly advantages. But the construction of a canon presents social science as an extended conversation between a handful of thinkers across the ages. It was also part of popular culture, capturing the imagination and participation of thousands of non-specialists attracted to the fashionable and modish science of the day. Sir James Stephen, expecting to address a scientific society, learnt this to his cost in 1858 at Liverpool. He delivered a learned essay on colonial emigration which was ill-judged for the SSA. As he explained to his son, 'I had quite misunderstood what sort of discourses were to be delivered, & when I heard them one after another, & perceived how completely out of concert pitch my own meditated sayings would be, I should, I think, have bolted by the first express train, if, as good luck would have it, I had not been absolved from speaking on the same day.'<sup>20</sup> Stephen noted 'the strange contrast between my lecturing and other people's exhortations': undoubtedly it was the latter style that commanded the podium at the SSA. As such, 'social science' must be approached in ways more sensitive to the popularisation of Victorian knowledge and to cultural history in general. The discussion of social questions as conducted at the Association needs a different approach from that applicable to a theoretical treatise. It requires consideration of the political and social context to which such discussions referred, and of the cultural context in which they took place. In the mid-nineteenth century social science brought the classes together, brought the regions into communication with the metropolis, drew new groups into political life, and promised social consensus based on reasoned solutions. These are aspects

<sup>19</sup> G. Hawthorn, *Enlightenment and Despair. A History of Sociology* (Cambridge, 1976), 170.

<sup>20</sup> James Stephen to James Fitzjames Stephen, 20 Oct. 1858, James Fitzjames Stephen papers, Cambridge University Library, Add. 7349, Box 1, f. 80. *The Times*, 18 Oct. 1858, 6. Perhaps Stephen need not have worried: the earl of Carlisle (Morpeth), who also attended the 1858 congress, thought the address 'very striking and most interesting' – though praise from such an earnest, industrious, and dutiful Whig administrator may actually confirm Stephen's impression. Diaries of the seventh earl of Carlisle, 13 Oct. 1857, Castle Howard MSS, J 19/8/36, 1857–8.

of the history of social science which a conventional history of texts must overlook.

A final difficulty, to be examined in the next chapter, concerns the different national contexts from which social science emerged. The desire to establish a social science was simultaneous in many societies, and institutional examples flowed across frontiers. Its exponents sought to construct a universal account of human communities, but were rooted in different societies, and, for that reason, either concentrated on different issues, or reached different answers to similar questions. In other words, if we must pay attention to the cultural context of social science, we must also consider its national contexts. Nineteenth-century Britain had, by common consent, the most ordered polity and most plural civil society of any nation in Europe. Little wonder that its social science eschewed great questions of national identity, class conflict, and social structure, which did not need to be answered because they were not being posed, and concentrated instead on the refinements of civic order – on the investigation and remedy of small-scale social ills. Conversely, in societies that had experienced national disunity, like the United States; or lacked political stability, like France; or could not achieve social and political consensus, like Germany after unification, the questions asked were of a different order, and called forth answers of much greater ambition and scope.<sup>21</sup> And when there *was* a convergence on similar questions, different national cultures provided answers in different genres. As Raymond Williams suggested, though there are similarities linking the subjects of British social debate in the nineteenth century with the developing discipline of sociology on the continent, the two traditions took root in different institutional settings and generated dissimilar styles of discourse. The British tradition of ‘culture and society’ – the literary-critical tradition of Carlyle, Ruskin, and Arnold – which was concerned with the cultural effects of the development of an industrial, market society, was addressing ‘the main theme of European Sociology from its founding moment onwards’, but made no effort to develop its critique in a scientific discourse.<sup>22</sup> Historians unimpressed by British empiricism have noted the link between indigenous social science and stability and adversely compared the limited ambitions of British practitioners with the more expansive theoretical constructs of contemporaries overseas, living through more troubled times.<sup>23</sup> Subsequent argument will demonstrate,

<sup>21</sup> J. D. Y. Peel, *Herbert Spencer. The Evolution of a Sociologist* (London, 1971), 240.

<sup>22</sup> Raymond Williams, *Politics and Letters* (London, 1979), 113–14.

<sup>23</sup> P. Anderson, ‘Components of the National Culture’, *New Left Review*, 50 (1968), 1–57.

nevertheless, that however impoverished these British conceptions of the tasks of social science may now appear to some, they were not uninfluential abroad. Indeed it will be shown just how appealing were 'the refinements of civic order' to groups buffeted by adverse changes.

In the light of these problems, how is the history of social science to be written? There has been a tendency to draw together different types of project, over many decades, and ignore their inconsistencies in a history that rapidly descends into incoherence.<sup>24</sup> Given this complexity, the temptation to simplify the history of social science is understandable. It can be given a spurious coherence by omitting movements and genres that do not fit an imposed definition of the subject. Coherence has also been imposed by treating social science in terms of perennial ideas that supposedly recur in different projects over time; or by presenting it in terms of the preoccupations and techniques of current practitioners. In both cases the accounts are self-serving and teleological, using the past to justify or explain the present, and presenting unfamiliar ideas developed in different historical contexts in a form recognisable to the present but at the expense of historical fidelity.<sup>25</sup> The alternative is to concentrate on the specific intentions and contexts of individual projects in social science with only limited reference to their place in any wider account of its development. The approach is more modest and the result less satisfying than a grand synthesis or an extended narrative. There is a danger, indeed, of the problem of 'spurious coherence' in reverse: that such an approach will fragment the history into discrete projects, making impossible any sort of connected account over time.<sup>26</sup> There may be gains in accuracy and historical sensitivity, therefore, but the sense of an intellectual project spanning the generations – even one in which there were many mansions – may be lost.

In negotiating a passage between this methodological Scylla and Charybdis, the rest of the present chapter will attempt to explain 'social science' as it was understood and practised at the SSA by close contextual analysis. The subsequent chapter will then make comparisons with other national contexts in which social science, on this model, was institutionalised, examining the replication of the Social Science Association in Europe and the United States. It has been argued that the SSA was a policy forum only, with little effect on the development of social science: indeed, it has been accused of *preventing* its development in Britain by substituting public administration for speculation and 'science'. The

<sup>24</sup> Philip Abrams, *The Origins of British Sociology, 1834–1914* (Chicago, 1968), 101.

<sup>25</sup> Goldman, 'The Origins of British "Social Science"', 587–9.

<sup>26</sup> Geoffrey Hawthorn, 'Characterizing the History of Social Theory', *Sociology*, 13 (1979), 478.



chapter that follows will show, on the contrary, that its model of social science, though limited, was highly influential. It will also suggest that an accurate history of the social sciences must acknowledge their debt to this mid-Victorian 'science of reform'.

## II

'A coherent interpretation of the world and of history among leading Liberals was as rarefied as the atmosphere on the moon.'<sup>27</sup> Vincent's judgment on the intellectual limitations of mid-nineteenth-century liberalism both as a system of thought and the ideology of a political party has obvious implications for the SSA given its relation to this liberalism, and the incoherence that some contemporaries and subsequent historians have found in its deliberations. Vincent's strictures on Gladstone himself, at home in 'the minds of other politicians' yet unable to appreciate the 'larger drama of nations, classes and technologies', may be somewhat harsh.<sup>28</sup> But this description of the limitations of the collective mind of the governing classes, of which the Social Science Association was a part, holds in general. A political class comfortable with language, rhetoric, and logic as drawn from their education in classics and mathematics was not given to systematic social analysis. History and the other social disciplines were only introduced into the university curriculum in England towards the end of the century.<sup>29</sup> By way of preface, therefore, to these remarks on the nature of 'social science' as understood by the SSA, it is necessary to explain that the Association was only as collectively aware as those groups composing it.

Though Louis Blanc might claim kinship with British social science, the meetings of the SSA were an opportunity to celebrate the supposed native virtues of empiricism and pragmatism. In 1859 the *Morning Chronicle* drew the familiar contrast 'between English and French social reformers'. English reformers were 'greater adepts at street-draining than street-fortification'; they swore 'by Chadwick and Southwood Smith, rather than by any Red-Republican or Communist hero'. England would

<sup>27</sup> John Vincent, *The Formation of the British Liberal Party 1857-1868* (1967) (Harmondsworth, 1972 edn), 68.

<sup>28</sup> *Ibid.*, 247. For evidence of Gladstone's historical consciousness, see his essay written during the Franco-Prussian war, [W. E. Gladstone] 'Germany, France, and England', *Edinburgh Review* (Oct. 1870), 554-93.

<sup>29</sup> S. Collini, D. Winch, and J. Burrow, *That Noble Science of Politics. A Study in Nineteenth-Century Intellectual History* (Cambridge, 1983), 339-63. M. G. Brock, 'A "Plastic Structure"' in M. G. Brock and M. C. Curthoys (eds.), *The History of the University of Oxford*, vol. VII: *Nineteenth-Century Oxford*, part 2 (Oxford, 2000), 64-6.

have no need for 'clubs and secret societies, so long as she can point to her Congress of Social Science. To the Englishman, positive facts are of more value than the most profound speculations.'<sup>30</sup> Intellectual curiosity was linked to social upheaval and slow-moving pragmatism to stability and 'improvement': the very intellectual limitations of the SSA were celebrated as the guarantee of its usefulness. No doubt it appeared to many observers as a collective manifestation of the 'characteristics of the English mind' that Taine analysed in his *Notes on England* compiled during the 1860s – a mind containing 'many facts and few ideas'.<sup>31</sup> The English were 'purely empirical, à la chinoise'.<sup>32</sup> But criticism was also matched by admiration: it was this very devotion to detail that encouraged political maturity. In Britain as compared with France, 'the number of men sufficiently well-informed and capable of having an opinion in matters of politics is greater'.<sup>33</sup> It was the SSA's attention to the minutiae of social life that brought it widespread foreign acclaim as a model of reforming procedure.

The Association never secured acceptance for its version of 'social science', however. Stephen related that at a banquet at the Liverpool congress he overheard a distinguished lady ask a member of the SSA's council if he would 'say what you mean, after all, by that phrase "social science"; and what it was you meant last year by that horrid, ugly word, "Sociological Association"'.<sup>34</sup> As the anecdote suggests, in many ways the problem for the SSA was its name: it baffled, antagonised, and aroused expectations that the Association could not fulfil. There is some evidence that it was variously proposed to call it the 'Political Economy Association', the 'Economic Science Association', or the 'Political Science Association'.<sup>35</sup> As initially founded in July 1857 it was the 'National Association for the Moral and Social Improvement of the People' and 'social science' was only incorporated in the weeks immediately preceding the first congress, perhaps because believed to be novel and attractive. As Hastings wrote to Brougham, 'People so hate the name of law that they drop everything with the title as if it burned their fingers; whereas under general social science a good deal of law & legislation might be worked in & made popular.'<sup>36</sup> Both 'social science'

<sup>30</sup> *Morning Chronicle*, 15 Oct. 1859, 4. As the *Daily Telegraph* put it in an editorial on the SSA congress in Dublin, 'We English people are the most empirical in the world; we make our institutions, and learn to understand them afterwards', 19 Aug. 1861, 4.

<sup>31</sup> Hippolyte Taine, *Notes on England* (1995 edn, London), 242. <sup>32</sup> *Ibid.*, 248, 250.

<sup>33</sup> *Ibid.*, 291. <sup>34</sup> *Liverpool Daily Post*, 16 Oct. 1858, 2.

<sup>35</sup> *Newcastle Daily Chronicle*, 21 Sept. 1870, 5; *Western Daily Mercury* (Plymouth), 11 Sept. 1872, 3.

<sup>36</sup> G. W. Hastings to Brougham, 5 Nov. 1857, B MSS, 13109.

and 'sociology' were controversial terms, nevertheless. Before the first congress Gladstone wrote to Brougham in the hope that 'you will steadfastly set your face against the coining of any new word for your institutions', and 'sociology' in particular was constantly repudiated by the SSA's membership.<sup>37</sup> Brougham did his best to justify the choice of 'social science' in his address at Dublin in 1861 but the term invited criticism throughout the Association's history.<sup>38</sup>

Most critics, though prepared to recognise the Association's utility, saw little that resembled science in its debates and prescriptions. To the *Daily News* it was an 'ambitious and inapplicable name', a 'pretentious blunder', which 'seemed to indicate that those who conferred it knew neither what science is nor how it is to be promoted'.<sup>39</sup> Occasionally the very idea of a 'science of society' was questioned and the SSA convicted 'of professing the cultivation of a branch of human knowledge which as yet has little existence except in its pretentious name'.<sup>40</sup> The Association also drew criticism from contemporaries who were themselves involved in social analysis. The Association had limited contact with some of the founding fathers of sociology. Frederic Le Play was present in Glasgow in 1860.<sup>41</sup> Mill had a seat on the SSA's council, and Herbert Spencer attended a London session of the Association in 1881 where he took part in discussions on the law of copyright.<sup>42</sup> The young Stanley Jevons followed the early years of the Association with interest but complained that it dealt with 'details and practical suggestions' rather than science. As he wrote to his sister in 1859,

There are multitudes of writers of all degrees of eminence and cleverness who treat of every imaginable subject connected with Man. Take for instance the numbers of papers contributed to the Social Science Association. But does it not strike you that just as in Physical Science there are general & profound principles deducible from a great number of apparent phenomena, so in treating of Man and Society there must also be general principles and laws which underlie all the present discussions and partial arguments?<sup>43</sup>

<sup>37</sup> Gladstone to Brougham, 2 Oct. 1857, B MSS, 7104; *Journal of Social Science*, 1865-6 (London, 1866), 221.

<sup>38</sup> *T1861*, 2-3n. <sup>39</sup> *Daily News*, 5 Oct. 1866, 4. <sup>40</sup> *The Times*, 7 Oct. 1865, 9.

<sup>41</sup> *The Times*, 24 Sept. 1860, 10. Michael Z. Brooke, *Le Play: Engineer and Social Scientist* (London, 1970), 19, 120, 135. Dorothy Herbertson, *The Life of Frederick Le Play* (ed. V. Branford and A. Farquharson) (Ledbury, 1950), 24.

<sup>42</sup> *SP 1880-1*, 90-3.

<sup>43</sup> W. S. Jevons to Henrietta Jevons, 28 Feb. 1858, 30 Jan. 1859, *Papers and Correspondence of William Stanley Jevons* (ed. R. D. Collison Black and R. Könekamp) (7 vols., London, 1972-81), II, 322, 361.

In the same year Buckle used the SSA to illustrate the indigenous 'incapacity for dealing with the highest problems'.

Among the papers published by that Association will be found many curious facts and many useful suggestions. But Social Science there is none. There is not even a perception of what that science is. Not one speaker or writer attempted a scientific investigation of society, or showed that, in his opinion, such a thing ought to be attempted. Where science begins, the Association leaves off.

The intellectual limitations of the SSA were explained sociologically by reference to its membership: according to Buckle, an organisation led by politicians rather than minds 'imbued with the spirit of scientific method' was bound 'to look at the surface of affairs'.<sup>44</sup> As J. K. Ingram, the Positivist and polymathic scholar of Trinity College, Dublin, explained to the British Association in 1878, the term social science 'has been at once rendered indefinite and vulgarized in common use, and has come to be regarded as denoting a congeries of incoherent details respecting every practical matter bearing directly or remotely on public interests, which happens for the moment to engage public attention'.<sup>45</sup>

The Social Science Association here stood accused, and the accusations have been reworked in our own generation.<sup>46</sup> To Anderson the SSA was an example of a native empiricism that frustrated the development of 'any general theory of society' in nineteenth-century Britain.<sup>47</sup> Abrams claimed, meanwhile, that the SSA 'was critical in frustrating the growth of sociology in the nineteenth century'.<sup>48</sup> It failed to develop a conceptual understanding of its own society and diverted minds that might otherwise have been interested in social theory towards public administration and practical social reforms.<sup>49</sup>

Can such accusations be answered? Or, perhaps more accurately, should a case for the defence be attempted? For it would solve numerous analytical problems to fall back to a position where the social-scientific pretensions of the Association are dismissed and the SSA vacates its place in the 'history of British sociology' and takes up new residence in the 'history of social reform' only. However, this would entail disregarding the Association's professed confidence in the creation of a social science. It would also ignore explicit adherence to the term on the part

<sup>44</sup> [Henry Thomas Buckle], 'Mill on Liberty', *Fraser's Magazine*, 59 (1859), 516, 518.

<sup>45</sup> John Kells Ingram, Presidential Address to Section F, Economic Science and Statistics, *Report of the Forty-Eighth Meeting of the British Association for the Advancement of Science, Dublin, 1878* (London, 1879), 657.

<sup>46</sup> See Introduction, above pp. 17–20. <sup>47</sup> Anderson, 'Components of the National Culture', 13n.

<sup>48</sup> Abrams, *Origins of British Sociology*, 44. <sup>49</sup> *Ibid.*, 4–5, 48, 148–9.

of many groups who came to the SSA: doctors involved in pioneering socio-medical research, social statisticians, the leaders of the co-operative movement, even the Edinburgh trade unionists who passed the SSA's *Transactions* – the 'Book of Social Science' as they called it – from one reader to the next.<sup>50</sup> The problem for the historian is a more subtle exercise than accusation or the selection of sources: it is to approach the Association's conception of 'social science' by way of the terms and attitudes it endorsed itself rather than through the aims of independent Victorian intellectuals or twentieth-century academics.

## III

'La Science Sociale' emerged in public discourse in late eighteenth-century France among the liberal intelligentsia of the Revolution gathered around Mirabeau and Condorcet in the 'Société de 1789'. The term had developed from the earlier Physiocratic conception of 'l'art social' with which it was synonymous, and carried practical and reformist connotations as a guide to public policy and social reconstruction.<sup>51</sup> It was used by Comte and the Saint-Simonians in the 1820s, and it was probably from these sources that it entered discourse in Britain in the following decade,<sup>52</sup> though Bentham had used it in correspondence as early as 1812.<sup>53</sup> J. S. Mill was one obvious conduit given his French contacts: he used the term in a letter to Gustave d'Eichtal in 1829<sup>54</sup> and in an important article 'On the Definition of Political Economy' first written in 1831 and published in 1836.<sup>55</sup> John Bowring had also used the term in his introduction to Bentham's *Deontology* published in 1834.<sup>56</sup> But it was not the sole property of the utilitarians. Robert Owen wrote of a 'science

<sup>50</sup> Ian MacDougall (ed.), *The Minutes of the Edinburgh Trades Council 1859–1873* (Edinburgh, 1968), 62, 63, 65, 67, etc.

<sup>51</sup> K. M. Baker, 'The Early History of the Term "Social Science"', *Annals of Science*, 20 (1964), 211–26; Brian W. Head, 'The Origins of "La Science Sociale" in France', *Australian Journal of French Studies*, 19, 2 (May–Aug. 1982), 115–32.

<sup>52</sup> Peter R. Senn, 'The Earliest Use of the Term "Social Science"', *Journal of the History of Ideas*, 19 (1958), 568–70; J. H. Burns, 'J. S. Mill and the term "Social Science"', *Journal of the History of Ideas*, 20 (1959), 431–2; Georg G. Iggers, 'Further Remarks about the Early Uses of the Term "Social Science"', *Journal of the History of Ideas*, 433–6.

<sup>53</sup> Baker, 'The Early History of the term "Social Science"', 225; J. H. Burns, *Jeremy Bentham and University College* (London, 1962), 7–8.

<sup>54</sup> Burns, 'J. S. Mill and the Term "Social Science"', 432.

<sup>55</sup> [J. S. Mill], 'On the Definition of Political Economy; and on the Method of Philosophical Investigation in that Science', *London and Westminster Review*, 4 and 26 (Oct. 1836), 11, 19.

<sup>56</sup> Jeremy Bentham, *Deontology: Or the Science of Morality* (ed. J. Bowring) (London, 1834), 'Introduction', ii, 1.

of society' in 1830, and of a 'social science' in the *Book of the New Moral World* in 1836, and the Ricardian Socialist, John Gray, used the term in 1831<sup>57</sup> – usages suggesting that 'social science' had radical connotations, as well. In 1838 and 1839 the term was employed by the Statistical Society of London to describe its own enterprise, the collection of social data.<sup>58</sup> By the 1850s its use was unexceptional and it served as a general term for the full range of social, economic, and historical disciplines.<sup>59</sup>

In June 1857, as the SSA was in process of formation, Henry Thomas Buckle published his *History of Civilization in England* which was acclaimed, in Mark Pattison's words, as 'the most important work of the season'.<sup>60</sup> The attempt 'to accomplish for the history of man something equivalent or at all events analogous, to what has been effected by other inquirers for the different branches of natural science'<sup>61</sup> as Buckle described his volume, was welcomed as 'the *Novum Organum* of historical and social science'.<sup>62</sup> According to Emily Shirreff, a close friend of the author and member of the SSA, Buckle 'became the lion of the season; his society was courted, his library besieged with visitors, and invitations poured in upon him'.<sup>63</sup>

In his famous introductory chapter Buckle noted the 'extensive information, not only respecting the material interests of men, but also respecting their moral peculiarities' which society now possessed. But no one had attempted to combine the 'separate parts' of the 'history of man' now available 'into a whole, and ascertain the way in which they are connected with each other'.<sup>64</sup> Hence arose the central question of his enquiry: 'Are the actions of men, and therefore of societies, governed by fixed laws, or are they the result either of chance or of superfluous influence?'<sup>65</sup> Buckle noted 'proofs of the existence of a uniformity in human affairs which statisticians had been the first to bring forward'.<sup>66</sup>

<sup>57</sup> Robert Owen, *Outline of a Rational System of Society* (London, 1830), 6, and *Book of the New Moral World* (1836), 61. John Gray, *The Social System. A Treatise on the Principles of Exchange* (Edinburgh, 1831), 1, 2.

<sup>58</sup> 'Fourth Annual Report of the Statistical Society of London', *Journal of the Statistical Society of London* (May 1838), 8; 'Fifth Annual Report of the Statistical Society of London', April 1839, *ibid.*, 133.

<sup>59</sup> See for example [David Masson], 'The Social Science: Its History and Prospects', *North British Review*, 15, xxx (Aug. 1851), 291–330.

<sup>60</sup> [Mark Pattison], 'History of Civilization in England', *Westminster Review*, n.s., 12 (Oct. 1857), 375.

<sup>61</sup> Buckle, *History of Civilization*, 1, 6.

<sup>62</sup> [W. Frederick Pollock], 'Buckle's History of Civilization in England', *Quarterly Review*, 104, no. 207 (July 1858), 38.

<sup>63</sup> *Miscellaneous and Posthumous Works of Henry Thomas Buckle* (ed. Helen Taylor) (3 vols., London, 1872), 1, xl–xli. A. H. Huth, *Life and Writings of Henry Thomas Buckle* (2 vols., London, 1880), 1, 140.

<sup>64</sup> Buckle, *History of Civilization in England*, 1, 2–3. <sup>65</sup> *Ibid.*, 8. <sup>66</sup> *Ibid.*, 20

Murder had been shown to be as regular 'as the movements of the tides and the rotations of seasons', and suicide, seemingly 'so eccentric, so solitary, so impossible to control by legislation' was 'merely the product of the general condition of society . . . the individual felon carries into effect what is the necessary consequence of preceding circumstances'.<sup>67</sup> On the basis of perceived regularities in human actions a scientific history *was* possible. The chapter concluded with the prediction that 'before another century has elapsed the chain of evidence will be complete, and it will be as rare to find an historian who denies the undeviating regularity of the moral world, as it now is to find a philosopher who denies the regularity of the material world'.<sup>68</sup>

It is possible that interest in Buckle's work during the summer of 1857 influenced the SSA's founders in their choice of 'social science' as a description of their aims – a choice which Buckle contested, of course. It can be asserted with greater confidence that Buckle's faith in the statistical demonstrability of social regularities analogous to the 'fixed and universal laws' of the natural world, and his attempts to encompass all aspects of human behaviour within a single system captured the imagination of mid-Victorians, and demonstrate that science and synthesis were in the air in the later 1850s. As Lord Acton observed, Buckle's *History*, 'must have powerfully appealed to something or other in the public mind . . . in order to have won so rapid a popularity'.<sup>69</sup> The point may be reinforced with evidence that Herbert Spencer's 'crucial moment of intellectual enlightenment' occurred a few months after publication of Buckle's volume (and a matter of weeks after the foundation of the SSA) in January 1858.<sup>70</sup> At this point Spencer came to realise that his various ideas 'have suddenly crystallized into a complete whole'. As he wrote then to his father, 'Many things which were before lying separate have fallen into their places as harmonious parts of a system that admits of logical development from the simplest general principles'.<sup>71</sup> On the basis of a theory of the identity of organic and social evolution from simple to complex forms, Spencer's life-project stretched before him: the synthesis of biology, psychology, sociology, and morality. His 'programme

<sup>67</sup> *Ibid.*, 23, 25.      <sup>68</sup> *Ibid.*, 31.

<sup>69</sup> Giles St Aubyn, *A Victorian Eminence. The Life and Works of Henry Thomas Buckle* (London, 1958), 184. Charles D. Cashdollar, *The Transformation of Theology, 1830–1890. Positivism and Protestant Thought in Britain and America* (Princeton, N. J., 1989), 74–80.

<sup>70</sup> W. H. Greenleaf, *The British Political Tradition*. Vol. II: *The Ideological Heritage* (London, 1983), 53.

<sup>71</sup> Herbert Spencer, *An Autobiography* (2 vols., London, 1904), II, 17, 23 (letters to his father, 9 Jan. 1858 and to J. S. Mill, 29 July 1858). See also Spencer to J. D. Hooker, 13 Dec. 1858, in David Duncan, *The Life and Letters of Herbert Spencer* (London, 1908), 89.

of the synthetic philosophy', which was to detain him for the rest of his long career, was outlined in 1860 in his prospectus for the *System of Philosophy*.<sup>72</sup>

There is no direct link to be made between Buckle, Spencer, and the Social Science Association. But this simultaneous focus towards the end of the 1850s on synthesising a social science modelled on natural science from hitherto separate disciplines, is suggestive of a common cultural trend. *The Times* reviewed Buckle's *History* in the very week that the SSA was inaugurated and commended synthesis itself as the author's greatest achievement: the book 'combines the discoveries and applies the researches of other minds to results to which they were already in obvious proximity'.<sup>73</sup> Combining and so amplifying the discoveries and researches of the age was the *raison d'être* of the Social Science Association. We have become aware that even the greatest natural-scientific ideas may be influenced by external societal and intellectual conditions. Recent work on Darwin has shown how much the theory of natural selection depended on the influence of contemporary political economy and demography.<sup>74</sup> We should not be surprised if common intellectual trends were thus acting independently on different minds and institutions over the same period, guiding them towards the construction of unitary social theories. Indeed, we might go further and suggest the methodological identity of the intellectual projects of this period: if Spencer and Buckle were uniting hitherto separate branches of knowledge in great schemes in 1857 and 1858, Darwin was doing the same in the synthesis of biology, geology, economics, and demography he called 'natural selection' in 1859 – though the Darwinian synthesis had developed over the two preceding decades. The determination of the SSA 'to treat social economics as a great whole' hence drew on intellectual models of the moment. Synthesis was the compelling trend and intellectual project of the 1850s. The SSA embodied a popular response to the dominant scientific method of the era.

'Social science' was generally familiar by the mid-nineteenth century, therefore. But it had also picked up more specific connotations and a number of groups laid sole claim to the term. Bentham's efforts to establish a science of morals and legislation, to be the Newton of the moral

<sup>72</sup> Spencer, *Autobiography*, II, 479–84; Cashdollar, *The Transformation of Theology*, 146.

<sup>73</sup> *The Times*, 13 Oct. 1857, 5.

<sup>74</sup> Robert Young, 'Malthus and the Evolutionists: The Common Context of Biological and Social Theory' in Robert Young, *Darwin's Metaphor. Nature's Place in Victorian Culture* (London, 1985), 23–55. Adrian Desmond and James Moore, *Darwin* (London, 1991).



sciences,<sup>75</sup> gave it utilitarian associations. Mill's later investigation of the 'Logic of the Moral Sciences' in his *System of Logic*, establishing the framework of a putative social science, was an inspiration – at least at a rhetorical level – to the SSA: as Edwin Lankester pronounced in 1865, 'he has shown the way, and it is the function of the Social Science Association to follow in the path that he and his disciples have opened to us'.<sup>76</sup> The Owenites, meanwhile, clung to the belief that Owen himself was the 'discoverer of the Science of Society – now called the Social Science'.<sup>77</sup> Owenite social science was not only synonymous with the study of the laws that supposedly held civil society together and determined individual character, but with the scientific reconstruction of society and the promotion of happiness – with socialism itself. Indeed, the identity of socialism and social science, which Louis Blanc espoused in 1857, was an article of faith among so-called utopian socialists in France and Britain at this time. Consciously pitted against the dogmas and reductive abstractions of political economy, Owenite social science carried radical implications. As George Holyoake later related, 'I well remember when the phrase "social science" was regarded as much an indication of "something being wrong" on the part of those who used it, as mentioning Sir C. Lyell's doctrine of the Antiquity of Man, or Darwin's Theory of Evolution, afterwards became.'<sup>78</sup> In 1868 he had been more pungent: 'Aristocratic politicians looked upon it as revolutionary. The democratic politicians always confounded it with Agrarian Socialism. Mr. Cobden had a sort of terror in it. The theologians saw heresy in it.'<sup>79</sup>

Owen hailed the organisation of the SSA 'with enthusiasm'.<sup>80</sup> As we have seen, he was on the platform at its inaugural meeting and delivered four addresses to the congress.<sup>81</sup> He was allowed to explain 'his communistic principles, and recounted some of his experiences'.<sup>82</sup> Though an evangelical clergyman walked out when Owen spoke, taking 'his daughters after him', Brougham paid Owen every respect.<sup>83</sup> 'He

<sup>75</sup> James Steintrager, *Bentham* (London, 1977), 12–14. <sup>76</sup> *T.1865*, 58.

<sup>77</sup> James Rigby and David Ludlow to Robert Owen, 18 Jan. 1858, Robert Owen documents, Co-operative Union Limited, Manchester, item 2838. J. F. C. Harrison, *Quest for the New Moral World. Robert Owen and the Owenites in Britain and America* (New York, 1969), 78.

<sup>78</sup> G. J. Holyoake, *History of Co-operation* (London, 1906 edn), 38–9.

<sup>79</sup> Landor Praed [G. J. Holyoake], *Life of the Celebrated Lord Brougham* (London, 1868), 9.

<sup>80</sup> Lloyd Jones, *The Life, Times and Labours of Robert Owen* (2nd edn, London, 1895), 437. F. Podmore, *Robert Owen. A Biography* (2 vols., London, 1906), II, 624.

<sup>81</sup> See p. 27 above. <sup>82</sup> *Birmingham Daily Press*, 16 Oct. 1857, 3.

<sup>83</sup> *Ibid.*, 17 Oct. 1857, 3. G. W. Hastings to Mary Anne Hastings, 'Sept. 1913', Hastings collection, Leeds: 'As to Robert Owen, I greatly admired Brougham for disregarding the ignorant & vulgar prejudice against, as he said "a benevolent and pure-minded man".'

would make a Bishop give way if Mr. Owen required a seat, and claim him as his friend, and secure him a hearing.<sup>84</sup> Owen's last appearance in public was at the concluding meeting in the following year at Liverpool, where, in a famous scene, the failing Owen was carried in a sedan chair to the platform in the St George's Hall by four policemen. Beside a solicitous Brougham he proclaimed 'his ancient message of science, competence and good will' and was then carried back to his sick-bed.<sup>85</sup> Owen told the SSA in 1857 that 'Social science . . . was above all others the most important science which could occupy the attention of man.'<sup>86</sup> And just as some of the old Philosophic Radicals – Chadwick, Mill, and Bowring for example – found their way, via the Law Amendment Society, into the SSA, so Owen was followed into the Association by many leading co-operators including William Pare, Charles Bray, Edward Greening, Lloyd Jones, Holyoake, and James Hole, author in 1851 of *Lectures on Social Science and the Organisation of Labour*.<sup>87</sup>

The Owenites went one better and organised their own Social Science League – an imitative response that seems to have originated in approval for, rather than disappointment with, the parent organisation.<sup>88</sup> It was inaugurated on 5 November 1857 at Lyons Inn, The Strand, where it met monthly. As one of its secretaries wrote to Owen in January 1858, 'We have registered 40 members, many of them old ones in the former movements, & I think we have every reason to be satisfied with the steady progress we are making.'<sup>89</sup> According to its prospectus, the League was 'to collect and disseminate a systematically arranged knowledge of facts in relation to education, production, distribution and governing for the well-being of all classes'. There is no evidence that it continued after Owen's death, nor that another organisation projected by Owen in the

<sup>84</sup> Praed [Holyoake] *Life of the Celebrated Lord Brougham*, 9.

<sup>85</sup> *Manchester Guardian*, 18 Oct. 1858, 13. G. J. Holyoake, *Life and Last Days of Robert Owen of New Lanark* (London, 1859), 7. Owen to Brougham, 7, 17 Oct. 1858, B MSS, 10111, 10112.

<sup>86</sup> *Birmingham Daily Press*, 16 Oct. 1857, 3.

<sup>87</sup> J. F. C. Harrison, *Social Reform in Victorian Leeds. The Work of James Hole 1820–1895*, Thoresby Society Publications (Leeds, 1954), 17–26.

<sup>88</sup> The prospectus of the Social Science League is bound in a volume of pamphlets that once belonged to William Pare in the Family Welfare Association collection, Goldsmith's Library, Senate House, London (FWA. 33. Case A.g. 33). At the top, in Pare's hand, is written 'R.O. sought to improve on the N. A. for the promotion of Social Science by forming this.' The correspondence in 1858 between Owen and the joint secretaries of the League, David Ludlow and James Rigby (who was Owen's attendant in his last years), held at the Co-operative Union, Manchester, gives no evidence of disapproval. See Robert Owen documents, items 2803, 2838, 2845, 2846, 2854, 2894. For a different view see Eileen Yeo, 'Social Science and Social Change: A Social History of Some Aspects of Social Science and Social Investigation in Britain, 1830–1890' (unpublished DPhil thesis, University of Sussex, 1972), 227n.

<sup>89</sup> David Ludlow to Owen, 25 Jan. 1858, Owen documents, 2845.

last year of his life, and aimed at the working classes, the Society of Social Science Chartists, ever existed.<sup>90</sup>

That Owenites continued to attend the SSA and received the Association's endorsement of co-operation may be taken as evidence of the social solidarity that the Social Science Association was founded to promote. The appropriation of 'social science' – a term with a radical lineage and connotations – by this essentially middle-class organisation which was linked to the state in innumerable ways is a parallel indication, in the ideational realm, of this social equipoise. After 1857, though 'social science' might be ridiculed, it could no longer frighten: it implied reform but not revolution. It had been domesticated, rendered fit for public discussion, diluted: as radicalism declined and grew to accept, if not embrace, a previously alien set of middle-class values, so a radical vocabulary, now less threatening, could be incorporated into orthodox discourse.

#### IV

In a period notable for its agonised debates over the substitution of science for religion as the new authority in society, the process of incorporation was made all the easier as deference to the intellectual primacy of 'science' took hold.<sup>91</sup> Beatrice Webb defined 'the mid-Victorian time-spirit' as 'the union of faith in the scientific method with the transference of the emotion of self-sacrificing service from God to man'.<sup>92</sup> She thus captured both aspects of the contemporary meaning of the term 'Positivism' as derived from the assimilation of Comte's ideas into British intellectual culture in the 1850s and 1860s.<sup>93</sup> On the one hand Positivism denoted a commitment to natural science as a model for all disciplines because, it was argued, natural science was the only type of knowledge that could be tested and proven. On the other, it denoted the attempt to establish a new basis for ethical action in reason and humanity rather than supernatural inspiration.<sup>94</sup> Both definitions had relevance to mid-Victorian conceptions of a social science: it was understood that

<sup>90</sup> Chushichi Tsuzuki, 'Robert Owen and Revolutionary Politics' in S. Pollard and J. Salt (eds.), *Robert Owen: Prophet of the Poor* (London, 1971), 33.

<sup>91</sup> E. J. Hobsbawm, *The Age of Capital 1848–1878* (London, 1975, 1977 edn), 294.

<sup>92</sup> Webb, *My Apprenticeship*, 221.

<sup>93</sup> T. R. Wright, *The Religion of Humanity: The Impact of Comtean Positivism on Victorian Britain* (Cambridge, 1986); Christopher Kent, *Brains and Numbers: Elitism, Comtism and Democracy in Mid-Victorian Britain* (Toronto, 1978); Royden Harrison, *Before the Socialists. Studies in Labour and Politics, 1861–1881* (pt 6, 'The Positivists. A Study of Labour's Intellectuals') (London, 1965).

<sup>94</sup> Cashdollar, *The Transformation of Theology*, 16–18.

when constructed successfully it would take a form analogous to natural science and would also provide guidance for social improvement. Technical and material advances that came from the applications of natural science gave rise to a corresponding expectation of social advances that would follow the construction of a 'positive science' of society. Science was at the heart of a 'secular ideology of progress'.<sup>95</sup>

The expectation of social advance was all the stronger given a distinctive conception of 'science as method' in the mid-nineteenth century. According to Mark Pattison, 'it is not the matters known that make science, but the mode of knowing . . . Anything whatever may be studied in a scientific spirit – i.e. with a determination to know it exhaustively in its causes and mutations.'<sup>96</sup> Science was 'a methodology and a set of techniques', a *modus operandi* defined by a systematic and ordered approach.<sup>97</sup> Social science denoted 'scientific forms of thought applied to life'.<sup>98</sup> The SSA could thus lay claim to scientific credentials in its investigations of the social world, detailed and methodical as they sometimes were. Implicit in this conception of science was an egalitarianism encouraging the conviction that anyone could 'do' science. T. H. Huxley, a radical who believed himself misused by the scientific establishment, was quick to embrace the spirit. As he told an audience in St Martin's Hall in 1854, science was 'nothing but *trained and organised common sense*' and the scientist 'simply uses with scrupulous exactness the methods which we all, habitually and at every moment, use carelessly'.<sup>99</sup> It was in this spirit that educated non-specialists offered their papers to the Social Science Association. But this was the last generation that could possibly have believed in a single method and community in science: as we shall see, the Association went into decline as knowledge became more technical and science more specialised.

'Science as method' undoubtedly owed much to the popularisation of natural science from the 1830s under the aegis of the British Association for the Advancement of Science – a popularisation that set up 'a contradiction between the advancement of science and its promotion'.<sup>100</sup>

<sup>95</sup> Hobsbawm, *Age of Capital*, 317.

<sup>96</sup> Mark Pattison, *Suggestions on Academical Organisation with Especial Reference to Oxford* (Edinburgh, 1868), 266.

<sup>97</sup> J. Morrell and A. Thackray, *Gentlemen of Science. Early Years of the British Association for the Advancement of Science* (Oxford, 1981), 348.

<sup>98</sup> *The Bee-Hive*, 11 Oct. 1873, 7.

<sup>99</sup> 'On the Educational Value of the Natural History Sciences' (1854) in T. H. Huxley, *Collected Essays*, III (London, 1893), 45–6. (Italics in original.)

<sup>100</sup> Richard Yeo, 'Scientific Method and the Image of Science' in Roy M. MacLeod and P. Collins (eds.), *The Parliament of Science. The British Association for the Advancement of Science 1831–1981* (London, 1981), 73–4.

Popularisation inculcated 'an empirical and utilitarian image of science which neglected its theoretical dimension': it 'encouraged a perception of natural knowledge as a collection of interesting and useful facts'.<sup>101</sup> Constituting science as a 'cultural resource'<sup>102</sup> – making it accessible and useful to an educated public – encouraged faith in the universal applicability of science itself and in the competence of the non-specialist. One strategy that natural scientists themselves exploited to further their claims to public recognition and financial support was to hint at the benefits once the scientific method was extended to the improvement of society.<sup>103</sup> This could only encourage the founders of the SSA in their construction of an organisation modelled on the British Association, and in the foundation of a 'science', open to all, that would guarantee social advance. The very first pages of the SSA's *Transactions* contended that as the British Association sought to unite natural scientists, so the SSA would ensure 'a common investigation of various branches of social economics'.<sup>104</sup>

The intellectual inspiration of natural science was honoured rhetorically by the SSA with an unnerving consistency. According to the *Social Science Review* in 1861,

Social Science means the introduction of a method by which social problems may be investigated on a rational and scientific basis: a method which accepts that social like organic life is governed by fixed laws; that all policy is empiricism which is not based on these laws, and that the laws themselves are discoverable and susceptible of arrangement as the laws of a fixed science.<sup>105</sup>

According to Sir James Kay-Shuttleworth in Manchester five years later, the SSA was 'founded on the idea that the growth of civilization proceeds according to laws, the investigation of which is as much a matter of science as the physical laws which govern the material world'.<sup>106</sup> Chadwick, addressing the SSA in 1869, looked to science 'for better preparation for legislation' and for 'superior administration'.<sup>107</sup> 'Scientific Legislation' – Chadwick's term<sup>108</sup> – and 'Scientific Administration'<sup>109</sup> were vague formulations characteristic of the mid-century usually employed in criticism of the incapacity and inefficiency of existing public services, and the SSA, swift to employ the terms along with the wider rhetoric of scientism, may thus be taken as one of the more obvious exemplifications of a popular scientific culture then at its zenith.

<sup>101</sup> Ibid., 77. <sup>102</sup> Morrell and Thackray, *Gentlemen of Science*, 96.

<sup>103</sup> Yeo, 'Scientific Method and the Image of Science', 72. <sup>104</sup> *T.1857*, xxi–xxiii.

<sup>105</sup> *Social Science Review*, 1 (1861) (unpaged). <sup>106</sup> *T.1866*, 84. <sup>107</sup> *SP.1869-70*, 3–4.

<sup>108</sup> S. E. Finer, *The Life and Times of Sir Edwin Chadwick* (London, 1952), 477–8.

<sup>109</sup> [W. R. Greg], 'Scientific versus Amateur Administration', *Quarterly Review*, 127 (1869), 41–68.

An important aspect of this culture was faith in applying scientific procedures in the construction of 'a science of reform'.<sup>110</sup> Social science was 'a comprehensive whole worthy of the name of a science, and so realized by appropriate methods as to be practically effectual as an art' as one member put it in 1859.<sup>111</sup> It was both an intellectual discipline and a type of public practice as Hastings explained in Bristol in 1869.<sup>112</sup> We can sense Lord Houghton's discomfiture when he wrote to Gladstone in August 1873 that 'I have to preside at a "Social Science" Association [congress] & wish I could write that we have *proved* more than we have done'.<sup>113</sup> But the emphasis on practice over theory was all-pervasive: to the English, as Taine noted, 'knowledge is necessary, not for its own sake but as a basis for action'.<sup>114</sup>

This appreciation of the union of science and reform is not evident in subsequent academic discussion of mid-Victorian social science. A biographical example may be employed of a notable 'political intellectual'<sup>115</sup> of this period to substantiate the claim that Abram's division between 'academicism' and 'ameliorism', between science on the one hand and reform on the other, is a false antithesis. In the period 1855 to 1857, Lord Stanley, twice Foreign Secretary in later years, was at the centre of the emerging SSA, cultivated as the 'coming man'. He was the model ameliorist: a confirmed statistician who frequented the Statistical Society of London; an enthusiast for legal reform who belonged to the Law Amendment Society; and a penal reformer dedicated to the reformation of offenders. He was well-known for 'his advocacy of what is known by the term progress'.<sup>116</sup> At the inaugural congress in Birmingham he substantiated his growing national reputation: as Brougham wrote to Disraeli, 'it is impossible to state too high, the credit which our friend Stanley gained on *all* hands at the Birmingham congress'.<sup>117</sup> He was so much the dedicated reformer, indeed, with a naturally bureaucratic mind, and possessed of liberal opinions, that he was never comfortable

<sup>110</sup> The phrase was used by Samuel Eliot, second president of the American Social Science Association, in 1867. *American Social Science Association. Constitution, Address and List of Members* (Boston, 1867), 74.

<sup>111</sup> *T.1859*, 253. <sup>112</sup> *T.1869*, 28–9.

<sup>113</sup> Lord Houghton to Gladstone, 5 Aug. 1873, Gladstone Papers, BL Add. MS 44215, f. 85.

<sup>114</sup> Taine, *Notes on England*, 248.

<sup>115</sup> John Vincent (ed.), *Disraeli, Derby and the Conservative Party. Journals and Memoirs of Edward Henry, Lord Stanley, 1849–1869* (Hassocks, 1978), 152.

<sup>116</sup> *Birmingham Daily Press*, 15 Oct. 1857, 2.

<sup>117</sup> Brougham to Disraeli, 25 Oct. 1857, Hughenden Papers, B/xxi/B/1018.

as a tory in the party led by his father and eventually crossed the floor to a place in Gladstone's second administration. He was pictured in 1873 reading the 'Blue Books, the Statistical Returns and the Social Science Reports of his generation'. This earnest attention to detail was not necessarily a recommendation for political leadership at the time, however:

It may be questioned . . . whether Lord Derby has the attractive and commanding personal qualities necessary in a Parliamentary leader . . . He is better fitted to be a perpetual President of a Social Science Association, or the Chairman in reserve of any and every Commission of Inquiry which any Government may choose to appoint.<sup>118</sup>

To read through his journals for the mid-1850s is an education in the psychology of public service – a record of reports read, meetings attended, asylums inspected. The journals also preserve the record of a serious, informed attempt at a social-scientific self-education. In the mid-1850s, Stanley read and made copious notes on Spencer's *Social Statics*, Malthus' *Essay on Population*, Mill's *Political Economy*, Lewes' *Comte's Philosophy of the Social Sciences*, Tocqueville's *The Ancien Regime and the French Revolution* and *Democracy in America*, and Quetelet's *Sur L'Homme*.<sup>119</sup> He returned from the SSA's first congress in Birmingham to read Buckle's *History of Civilization in England* – 'a work which more than any other I have seen embodies the results of recent discovery, and the tendency of modern thought'.<sup>120</sup> Though he read widely in the literature of social investigation as well – Southwood Smith's *Philosophy of Health* in September 1856, and Parent-Duchâtelet and William Acton on prostitution in September and December 1857 respectively – it would be difficult to envisage a more well-chosen assortment of the central texts of an 'intellectual' social science at mid-century. From the notes preserved it would be equally difficult to envisage a more thoughtful reader. Of his ability to hold his own when, in July 1857, he breakfasted with Macaulay and Tocqueville, there can be little doubt.<sup>121</sup> There is no way of substantiating direct links between this theoretical self-education and Stanley's day-to-day involvement in politics: his attitude to the extension of the franchise was obviously not determined by De Tocqueville's account of democracy in America; his support for pauper emigration owed little

<sup>118</sup> [Frank Harrison Hill], *Political Portraits* (London, 1873), 96, 105.

<sup>119</sup> For all these, see 'Notes 1851–6' (3 vols.) and 'Notes taken during the year 1857' (2 vols.), Papers of Edward Henry, fifteenth Earl of Derby (1826–93), 920 (DER) 15 39/1,2,3 and 46/1,2.

<sup>120</sup> Stanley, 'Notes taken during the year 1857', II.

<sup>121</sup> Vincent (ed.), *Disraeli, Derby and the Conservative Party*, 152.

to Malthus.<sup>122</sup> But we can point to a pervasive approach, an attitude, compounded of the new accessibility of social data, the possibility of reform, and a faith in the potential construction of social 'laws' – however naive that faith must now appear – of which Stanley was supremely representative. In August 1856 he told Brougham that he was

a firm believer in the efficacy of Statistics in almost all subjects of human action – it is only on masses, not on individuals, that the operation of social laws can be traced. In other words, men can only effectively be studied in the aggregate. Without such study, legislation is for the most part empirical.<sup>123</sup>

The elision from the study of 'social laws' to 'legislation' shows the inadvisability of counterposing 'sociology' to 'ameliorism' in Abram's argument: it simply fails to grasp the unity of science and practice in this approach. Meanwhile, Stanley's reading habits, even if he was an atypical statesman and scholar, suggest the confluence of empirical and theoretical traditions rather than their rivalry.

It was intrinsic to John Stuart Mill's blueprint for a science of society – his 'summary view of the application of the general logic of scientific inquiry to the moral and social departments of science'<sup>124</sup> as outlined in Book Six of *The Logic* – that social science, as pursued by the correct 'inverse deductive method', would, once established, provide an informed basis for 'the noblest and most beneficial portion of the Political Art' – would guide and structure social practice, in other words. With the aid of Mill's social science 'we may hereafter succeed not only in looking far forward into the future history of the human race, but in determining what artificial means may be used, and to what extent, to accelerate the natural progress in so far as it is beneficial'.<sup>125</sup> Spencer, the other great British theorist of the age also believed that sociology would guide social practice; 'that, if there does exist an order among those structural and functional changes which societies pass through, knowledge of that order can scarcely fail to affect our judgements as to what is progressive and what retrograde'.<sup>126</sup> In Spencer's case, sociology would prove the case for *laissez-faire* liberalism.<sup>127</sup> According to Comte's epigram, 'Science, d'où prévoyance; prévoyance, d'où action' (From science comes prevision, from prevision comes control). The Social Science Association must

<sup>122</sup> *Ibid.*, 142. <sup>123</sup> Stanley to Brougham, 22 Aug. 1856, B MSS, 24334.

<sup>124</sup> J. S. Mill, *A System of Logic Ratiocinative and Inductive* (1843) (ed. J. M. Robson) (Toronto, 1974), 952. For further discussion of Mill's relationship to the Social Science Association, see ch. 9, III, above.

<sup>125</sup> Mill, *A System of Logic*, 929–30.

<sup>126</sup> Herbert Spencer, *The Study of Sociology* (London, 1873), 70–1.

<sup>127</sup> *Ibid.*, 21–2.



be located in the context of this nineteenth-century positivism, where science was to lead to application. The very idea of a social science had emerged in France as 'a conception of a unified science of public policy',<sup>128</sup> and it retained those instrumental associations even as it crossed frontiers and entered public consciousness in Britain half a century later. To divide between science and reform is to fail to appreciate a distinguishing characteristic of the nineteenth-century social-scientific tradition.<sup>129</sup>

## VI

Social science in the Social Science Association must be conceptualised as an element of popular culture rather than an academic discipline. It should be understood as a type of popular science, more important for its social and political utilities than its original contributions to knowledge. The British Association had blazed the trail, drawing thousands to a 'parliament of science' and demonstrating the breadth of public interest in uplifting knowledge. It had built a popular constituency for natural science and won political support and influence for the scientists. The SSA followed, positing social science as a method for resolving social questions, and offering to bring order and system to public debate and procedures. It, too, built up a constituency interested in social issues, and it used the resulting social authority as a title to influence over policy. The institutional form of the SSA – 'an alternative parliament' – and the genre in which it developed its social science – public debates apparently open to all – cannot be approached through a conventional study of texts and theories. It did not see itself, and nor should we see it, as a conventional academic forum. It spilled across disciplinary boundaries to unite science with popular participation and government – to link science, reform, and liberalism – in an era in which the expansion of the political nation and of the national culture to include new social groups was the dominant political theme. In other words, its form and function are to be understood as part of the social and political history of the age. It sought to ensure that expert skill and knowledge were not ignored in these processes, and it used social science to enhance and dignify its favoured attitudes and policies. It was the product of a society with enormous faith in the potential of natural science, and which saw

<sup>128</sup> Head, 'The Origins of "La Science Sociale"', 117.

<sup>129</sup> Brian Fay, *Social Theory and Political Practice* (London, 1975), 39–45.

in social science the application to human communities and institutions of the same procedures that had been so successful in laying bare the mechanisms of the physical and biological realms.

Social science in this form was an aspect of culture, and must be analysed as such. It offered no insight into the structure and function of societies; rather, it was evidence of a competitive milieu in which classes and ideologies struggled for control and influence, appropriating and using social science to their advantage when they could. An appreciation of this milieu is required if an authentic history of social science is to be written. It was the context in which Mill, Buckle, and Spencer thought and wrote, and is of historical interest for that reason alone. But the breadth of interest in social science at this time, and popular faith in its capacity to fathom human society and solve its problems, which penetrated mid-Victorian politics, culture, and letters, provide further reasons for its study – though it must be approached in ways both more relevant and sensitive to its nature and place in cultural and social history than have been employed hitherto.

*Social science in comparative international context*

## I

The meaning of 'social science' for the mid-Victorians may be analysed further by examining the history of organisations which were consciously modelled on the SSA – the pan-European Association Internationale pour le Progrès des Sciences Sociales, founded in Brussels in 1862, and the American Social Science Association, organised in Boston in 1865. The comparison may be extended to the German Verein für Sozialpolitik, founded in 1872–3, which also shared certain features with the Social Science Association in Britain. In the 1860s there was briefly in existence something like an international 'social science movement' in western Europe, the United States, and outposts of empire, though several of the organisations were evanescent.<sup>1</sup>

The very existence of these institutions invites comparison; their exchange of papers, publications, and members necessitates it. Research on the interplay of educational theories and debates that passed between the British and the American Social Science Associations in the 1860s and 1870s has shown their importance as conduits for ideas.<sup>2</sup> But there is a more compelling reason for undertaking such a comparative analysis. Any argument contending that social science or sociology 'failed' to develop in nineteenth-century Britain must be predicated on an implicit (if not an explicit) comparison with cultures where it was institutionalised 'successfully'. This is the form of Anderson's argument and of subsequent attempts to explain this 'peculiarity of the English'.<sup>3</sup> The problem with

<sup>1</sup> For an earlier version of this argument see Lawrence Goldman, 'A Peculiarity of the English? The Social Science Association and the Absence of Sociology in Nineteenth-Century Britain', *Past and Present*, 114 (Feb. 1987), 133–71 and 'Debate: Social Science, Social Reform and Sociology: A Reply', *Past and Present*, 121 (Nov. 1988), 209–19.

<sup>2</sup> Harold Silver, *Education as History. Interpreting Nineteenth and Twentieth-Century Education* (London, 1983), 100–47.

<sup>3</sup> See also Reba N. Soffer, 'Why do Disciplines Fail? The Strange Case of British Sociology', *English Historical Review*, 97 (Oct. 1982), 767–802.

such an approach is that complex intellectual formations which developed in singular national contexts are juxtaposed on the basis of an unfounded expectation that the intellectual culture of late nineteenth-century Britain should necessarily have given rise to an indigenous Weber or Durkheim. The absence of such commanding intellects (and it is a curious feature of such arguments that the contributions of Mill, Spencer, and Hobhouse are usually ignored)<sup>4</sup> is thus taken as *prima facie* evidence of British intellectual torpor. The difficulty with such an approach does not come from a comparative perspective *per se* – there are good reasons for arguing that we cannot develop a clear sense of the distinctiveness of British social science and of British intellectual life more generally unless we provide such an international context – but from the absence of credible comparative examples. The existence of social science associations in Britain, America, and Europe which were organised in almost identical fashion, shared similar aims, and yet diverged in historically significant ways, provides strong empirical foundations for a comparative analysis and fulfils the basic condition for such an approach – that the ideas and institutions to be compared should at least share a family resemblance. Without this, the comparison of different formations in discrete cultures is likely to produce a reflection of the original and determining cultural differences themselves. Studies comparing the institutionalisation of natural science in different nineteenth-century societies, and of the international influence of the British Association in particular, provide a model of the type of analysis to be attempted.<sup>5</sup>

In the process it should be possible both to present an accurate definition of social science as then popularly understood and recreate the social outlook of Victorian liberalism in all its breadth and complexity. The two aims are not unrelated: the links between the Social Science Association, the Liberal Party, and Victorian liberal opinion in general have already been explored, and this widening of scope will facilitate an examination of the links that existed between liberalism and social science as interlocking and reinforcing systems of ideas more generally.<sup>6</sup>

<sup>4</sup> For a defence of the British contribution see Ronald Fletcher, *The Making of Sociology. A Study of Sociological Theory* (London, 1971), I, 22–3.

<sup>5</sup> Rainald von Gizycki, 'The Associations for the Advancement of Science: An International Comparative Study', *Zeitschrift für Soziologie*, 8, 1 (January 1979), 28–49. Giuliano Pancaldi, 'Scientific Internationalism and the British Association' in Roy M. MacLeod and P. Collins, *The Parliament of Science. The British Association for the Advancement of Science 1831–1981* (London, 1981), 145–69.

<sup>6</sup> S. Collini, *Liberalism and Sociology. L. T. Hobhouse and Political Argument in England 1880–1914*, (Cambridge, 1979). Göran Therborn, *Science, Class and Society. On the Formation of Sociology and Historical Materialism* (London, 1976).

The social science associations in Britain, America, and Europe linked together similar bourgeois constituencies with comparable political values during a period of unparalleled worldwide capitalist expansion from the 1850s to the 1870s that was founded, as Hobsbawm has put it, on 'reason, science, progress and liberalism'.<sup>7</sup> The period saw no more representative embodiment of these ideas and values than the Associations themselves. Such comparisons may also demonstrate the influence of British institutional and ideological models in this period. This was the great age for the emulation of British institutions and, to an extent, of British political and scientific ideas. In examining the replication of 'social science' on the British model, it should be possible to assess the meaning of mid-Victorian liberalism as understood by those outside Victorian culture, and as applied by them to their own societies. And this, in turn, may deepen our appreciation of the distinctiveness of the era and this political tradition in British history.

## II

In a letter in 1867 to the first chairman of the American Social Science Association G. W. Hastings noted 'several such bodies in different parts of the world, framed after the model & advocating the principles of ours'.<sup>8</sup> Associations in Madrid and Bombay are mentioned in the sources, but cannot be traced.<sup>9</sup> Later, in 1880, the Australian colonies held a 'Social Science Congress' as part of the Melbourne Exhibition, the tenth World's Fair in the line stretching back to the Great Exhibition of 1851, though there is no evidence of its continuation beyond the event.<sup>10</sup> Two more associations, however, met regularly for several years in each case, and both exemplify the liberal connotations of social science at mid-century. They were the International Social Science Association (Association Internationale pour le Progrès des Sciences Sociales) which was founded in Brussels in 1862 and met in several western European cities until 1866 and the Bengal Social Science Association in Calcutta.

<sup>7</sup> E. J. Hobsbawm, *The Age of Capital, 1848-1878* (1975) (1977 edn, London), 15. For an earlier and now largely forgotten account of the international replication of Victorian social science see L. L. and Jessie Bernard, *Origins of American Sociology. The Social Science Movement in the United States* (New York, 1943). The Bernards celebrated this replication uncritically whereas the approach here depends on recognising differences between the various national organisations and movements.

<sup>8</sup> *T.1865*, xxxi.

<sup>9</sup> G. W. Hastings to Dr Edward Jarvis, 8 Feb. 1867. Edward Jarvis papers, Francis A. Countway Library, Boston, Mass., B MS.c.11.2.

<sup>10</sup> *The Times*, 2 May 1879, 5; 13 Jan. 1880, 5. H. G. Turner, *A History of the Colony of Victoria* (2 vols.), vol. II: 1854-1900 (London, 1904), 219-22.

The Bengal Social Science Association was in continuous existence from 1866 until 1878. It owed its origins to a visit to the sub-continent in 1866–7 by Mary Carpenter, the first of four that she made towards the end of her life.<sup>11</sup> Her presence ‘served to draw out a vast amount of enthusiasm for social reform both among English and Hindu gentlemen’, and the Association was founded to consolidate ‘scattered efforts’ at environmental and educational reform, and to develop a culture of improvement among the native elite.<sup>12</sup> With a membership of approximately two hundred including both colonial officials and native Bengalis, the Association was designed as a ‘common ground upon which European and Native gentlemen can meet together to associate in friendly intercourse, to exchange ideas and learn to know each other better’, though egalitarian rhetoric could not disguise white exasperation when confronted with the intractable problems of Indian backwardness.<sup>13</sup> The Bengal Social Science Association was a focus, in fact, for the idealism of the anglophile Bengali elite who embraced western modes of thought and culture and saw this as India’s route to the future. Among many issues, the education of Indian girls and women and the destruction of the caste system were especially dear to its members and provide evidence of the modernising connotations of ‘social science’ far from European shores, and of the type of educated native reformer to whom it appealed.<sup>14</sup> Though its ends were wholly practical and it enjoyed the patronage of successive Viceroys and Lieutenant-Governors of Bengal, there is no evidence that the Bengal Social Science Association achieved anything specific, or that it exerted any influence over the colonial administration. Its claim to significance beyond its immediate Indian context is its exemplification of the institutional and ideological model that the SSA had become by the 1860s – an embodiment of apparently rational, liberal progress.

The origins of the International Social Science Association can be traced back to the SSA’s 1861 congress in Dublin which brought together Michel Chevalier, Louis Antoine Garnier-Pagès, and Ernest Desmarest from Paris and Michel Corr-Vander Maeren from Brussels. Chevalier, a Saint-Simonian of the 1830s appointed professor of political economy at the Collège de France in 1840, and a member of the Senate under the

<sup>11</sup> On Mary Carpenter, see above chs. 4 and 5, pp. 137–9; 144–5.

<sup>12</sup> J. E. Carpenter, *The Life and Work of Mary Carpenter* (London, 1879), 337–8, 346. Mary Carpenter, *Six Months in India* (2 vols., London, 1868), I, 218–19; II, 33. *Transactions of the Bengal Social Science Association*, IV, 1870 (Calcutta, 1870), xviii. There were seven volumes of *Transactions* published from 1867 to 1878.

<sup>13</sup> *Transactions of the Bengal Social Science Association*, VII (Calcutta, 1878), xxix.

<sup>14</sup> *The Times*, 2 Sept. 1878, 7.

Second Empire, was co-negotiator with Cobden of the Anglo-French free trade treaty of 1860. The SSA invited him to Dublin in honour of the treaty, and he presided over its short-lived Department of Trade and International Law, delivering an address on the wider promotion of free trade.<sup>15</sup> Garnier-Pagès had organised the barricades during the July Revolution of 1830, proclaimed the advent of the Second Republic from the Hôtel de Ville and served as minister of finance in the provisional government of 1848. He was to be elected to the corps législatif in 1863.<sup>16</sup> Ernest Desmarest was a leading French lawyer – *bâtonnier* (president) of the Paris bar in 1864–5 – and a republican. Attracted to Saint-Simonism in his youth, he was active in support of the provisional government in 1848, fulfilling various commissions from Lamartine.<sup>17</sup> Michel Corr-Vander Maeren, a judge of the Court of Commerce at Brussels, was known as ‘the Cobden of Belgium’.<sup>18</sup> In 1846 he organised ‘L’Association Belge pour la Liberté Commerciale’ and he was president of the ‘Association Internationale pour les Reformes Douanières’, founded a decade later in Brussels.<sup>19</sup> In the course of 1861–2 these two organisations provided a basis for the construction of the new Association, and Brussels became its institutional home, the ISSA holding its first congress there in September 1862. It was attended by around eight hundred participants from Belgium, Holland, France, Britain, Italy, the German states, Russia, Switzerland, and the United States, and was followed by meetings in Ghent (1863), Amsterdam (1864), and Berne (1865).<sup>20</sup> The 1866 congress planned for Turin was cancelled with the outbreak of hostilities between Austria, Prussia, and Italy that made an international gathering impracticable and were fundamentally at variance with the animating spirit of the ISSA. Though it held a small meeting in Brussels in lieu of the larger congress in October 1866 and discussed the idea of convening in Paris in the following year, it never met again, perhaps because of political tensions within the membership and between the Association as a whole and unfriendly governments, although evidence on this is thin.<sup>21</sup>

The International Association took no part in the formulation of policy: it had no leverage on national governments and saw itself, instead,

<sup>15</sup> *T.1861*, 116–32. <sup>16</sup> *Dictionnaire de Biographie Française*, xv, 541–4.

<sup>17</sup> *Ibid.*, x, 1438–9. <sup>18</sup> *T.1878*, 155–6.

<sup>19</sup> Edouard Sève, *Galerie de l'Association Internationale pour le Progrès des Sciences Sociales* (Brussels, 1864), ch. 8.

<sup>20</sup> *Annales de l'Association Internationale pour le Progrès des Sciences Sociales* (4 vols., Paris and Brussels, 1863–6).

<sup>21</sup> See the entry for Gustave Rolin-Jaequemyns, a leading international jurist and member of the ISSA, *Biographie Nationale de Belgique*, xxix, 805.

as an agent of international amity, a clearing-house for the exchange of information in which different national and sectional experiences could be compared. But it was modelled on the SSA. It was divided into five departments of comparative law, education, art and literature, public health, and political economy, and its membership of about a thousand, drawn preponderantly from Belgium, Holland, and France, was similarly dominated by the professional middle class – doctors and lawyers to the fore – with entrepreneurs, bankers, and politicians in attendance. A small contingent from Britain, led by the officers of the SSA, attended each congress. As the biographies of its founders suggest, the International Association was a liberal forum, but it was a style of continental liberalism more strident in tone and bold in assertion than the Gladstonianism of the Social Science Association: an amalgam of constitutionalism, republicanism, anti-clericalism, and, above all, free trade. The ISSA was a good example of the political resonance of British models for mid-century liberals in Europe. The very process of emulation made the underlying ideological imperatives of ‘social science’ that much clearer. To read the *Transactions* of the SSA is to enter immediately into the technical consideration of points of detail among participants who took the fundamental political and economic principles of the liberal order so much for granted that they merited no discussion and gave rise to no debate: hence the absence of discussion at the SSA on the ‘boundaries of the state’.<sup>22</sup> Conversely, the debates of the ISSA gave energetic voice to just these fundamental principles in the combative style of protagonists who had a case to prove and a political victory to win. The replication of the SSA in Europe consequently involved the amplification and clarification of its intrinsic political liberalism. It is not surprising, therefore, that the dominant spirit and spokesman of the ISSA was Jules Simon, who gave intellectual and political leadership to the opposition during the Second Empire in France. Simon was strident in his demand for parliamentary government and civil rights, though noticeably less enthusiastic when the political question changed from *liberté* to *égalité*.

### III

The ISSA never reached maturity and a more fitting comparison with the SSA is therefore provided by the American Social Science Association – long-lived, parallel in construction and aim, similarly determined to

<sup>22</sup> See ch. 9, i, above.



turn social science into a series of practical reforms, and the subject of considerable scholarly attention.<sup>23</sup> The ASSA held its first meeting on 4 October 1865 in Representatives Hall in the State House in Boston. Its origins can be traced to the general intercourse of Anglo-American reformers before and during the Civil War – the ‘Anglo-American world of humanitarian endeavour’, as one historian has described it. This linked middle-class communities on both sides of the Atlantic in shared campaigns for peace, temperance and, above all, against slavery.<sup>24</sup> References to the inauguration of the Social Science Association can be found in American periodicals from early 1858 and by 1865 the Boston elite were generally familiar with its work, but two particular individuals, both of whom sat on the initiating ‘Committee of Arrangements’ were instrumental in the process of institutional replication – Caroline Wells Healey Dall and Dr Edward Jarvis. Dall, a leading American feminist of the 1850s and 1860s, had been attracted by the SSA’s promotion of women’s issues and was in contact with the SSA’s prominent female activists.<sup>25</sup> Jarvis, a leading doctor of the insane, had visited Britain in 1860 and seen the Association in operation, meeting and learning from its officers.<sup>26</sup> As the Civil War ended and Northern attention turned from the South, so a crusade against slavery was transformed into another against illiteracy, disease, and public corruption. In the words of the Association’s guiding spirit, Franklin Sanborn – secretary of the Massachusetts Free Soil Association from 1854, editor of the anti-slavery Boston *Commonwealth*

<sup>23</sup> T. L. Haskell, *The Emergence of Professional Social Science: The American Social Science Association and the Nineteenth Century Crisis of Authority* (Urbana, Ill., 1977); M. O. Furner, *Advocacy and Objectivity: A Crisis in the Professionalization of American Social Science, 1865–1905* (Lexington, Ky., 1975); W. Leach, *True Love and Perfect Union: The Feminist Reform of Sex and Society* (New York, 1980) (London, 1981 edn), 263–346. See also Dorothy Ross, *The Origins of American Social Science* (Cambridge, 1991), and, for a different view, Lawrence Goldman, ‘Exceptionalism and Internationalism: The Origins of American Social Science Reconsidered’, *Journal of Historical Sociology*, 11, 1 (1998), 1–36.

<sup>24</sup> Frank Thistlethwaite, *The Anglo-American Connection in the Early Nineteenth Century* (Philadelphia, 1959), 76–102. Katherine M. R. Lloyd, ‘Peace, Politics and Philanthropy. Henry Brougham, William Roscoe and America 1808–1868’ (unpublished DPhil thesis, University of Oxford, 1996), 158–9.

<sup>25</sup> For Dall’s correspondence with Barbara Bodichon, Bessie Rayner Parkes, and Isa Craig see Caroline Wells Healey Dall collection, Massachusetts Historical Society, Boston. See also C. H. Dall, *Women’s Rights Under the Law* (Boston, 1861), 107.

<sup>26</sup> Edward Jarvis, MS autobiography, Houghton Library, Harvard University, MS Am 51, ff. 255–322 (published as *The Autobiography of Edward Jarvis 1803–1884* (ed. R. Davico) (London, Wellcome Institute for the History of Medicine, 1992) and MS letter books, ‘European Letters’ (3 vols.), Concord Free Public Library, Mass. Gerald N. Grob, *Edward Jarvis and the Medical World of Nineteenth-Century America* (Knoxville, Tenn., 1978). Lawrence Goldman, ‘Experts, Investigators and the State in 1860: British Social Scientists Through American Eyes’ in M. Lacey and M. O. Furner (eds.), *The State and Social Investigation in Britain and the United States 1800–1960* (Cambridge, 1993), 95–126.

and one of the 'secret six' who funded John Brown's raid on Harper's Ferry in 1859:

It was at the close of our great Civil War, when the minds of men, warmed by the events through which they had so recently passed, and touched by a consideration of the new and strange future that seemed to lie before us, were ready to unite in whatever promised benefit to the restored nation, that a few of us in Massachusetts conceived the thought of an Association similar in purpose to that which Lord Brougham and his friends had inaugurated in England eight years before.<sup>27</sup>

The early ASSA was strongly Republican in affiliation and embodied the moral reformism of the anti-slavery movement. William Lloyd Garrison, Wendell Phillips, and Thomas Wentworth Higginson were original members alongside other activists in the struggle against the South.

The ASSA adopted the same departmental structure as the SSA; it was similarly designed as a nodal institution to centralise social endeavour, and like the SSA it was to promote legislative reform by developing itself as an arena of expertise with the intellectual authority to educate public opinion on the one hand and cajole the politicians on the other. The two Associations addressed similar issues and shared comparable conceptions of social science: in Sanborn's formula, 'To learn patiently what is – to promote diligently what should be – that is the double duty of all the social sciences'.<sup>28</sup> However, similar aims did not end in similar achievements, because in certain fundamental ways – in the composition of its membership, its relative geographical isolation, its small scale and recurrent financial difficulties – the ASSA was different from the Social Science Association. The most crucial of these differences was the first. Where the SSA called on politicians and public servants, the ASSA was 'sponsored by genteel New England intellectuals and reformers'.<sup>29</sup> As Jarvis explained in a letter to the SSA in 1869, 'We have an Association on the plan of yours, and we are making some progress, but we fall far short of your success. We have not, as you have, enlisted the best minds of our men of power and influence to co-operate with us.'<sup>30</sup> In 1867 Dall met an English journalist at a meeting of the ASSA in New York, who 'had reported for the Association in England' and who 'was disgusted with our "nobility and gentry" because they did not offer us the same gracious hospitalities he had been accustomed to see offered there'.<sup>31</sup> The ASSA failed to interest and involve the local and national political elites in the

<sup>27</sup> *JSS*, 35 (1897), 21. <sup>28</sup> *Ibid.*, xxi, 1886, 6.

<sup>29</sup> Haskell, *Emergence of Professional Social Science*, 133–4. <sup>30</sup> *SP* 1868–9, 360.

<sup>31</sup> 'Letters from New York', 22 Nov. 1867, Dall papers, Mass. Historical Society, 22.10.

United States, and without their 'power and influence' – an outstanding feature of the history of the SSA in Britain – substantive reform via the statute book was impossible. As Jarvis put it at the Association's nadir in 1873, 'The subjects have not attracted the attention of the American people as they do that of the people of Britain. Although a few of the best minds have joined in the enterprise, the great world of such have kept aloof.'<sup>32</sup>

The vital point to grasp about the ASSA is its acknowledged failure, a product of the political marginalisation of the class of professionals and academics who attended its meetings. It was founded in 1865 with the same amelioristic aims as the SSA. Sanborn looked

with great expectation to the newly formed Social Science Association for light to guide our legislators in their efforts to reduce the burdens and alleviate the miseries of Pauperism. Hereafter, may our lawgivers have the opportunity, as in Europe, of calling upon the wisdom and accumulated experience of persons who have made the welfare of their fellow men a special and long-pursued study.<sup>33</sup>

Thirty-two years later, in his speech of resignation, it was evident to Sanborn and 'plain to any close observer that the American Social Science Association . . . has not kept pace with the advancing needs of the country, and bears now a smaller part in its attempted mission than during its earlier period'. Founding members had not been followed by a new generation; the Association never obtained adequate funds; and unlike the SSA it never achieved the status of a 'social parliament':

Our society. . . might be charged . . . with being a close corporation, proceeding in its selections of subjects and writers from personal and restricted views and not opening to the great public that opportunity for discussion which is the best guarantee that truth will be elicited and recognized in our debates.

Thus 'we have had a certain degree of success, have done a part, at least, of our duty, to our members and the public; but we have come far short of what might have been done'.<sup>34</sup>

The ASSA certainly represented a 'progressive bourgeoisie' in terms of the nature of the causes it supported.<sup>35</sup> And some of its members, including Francis Amasa Walker, director of the federal census in 1870 and

<sup>32</sup> Jarvis, MS autobiography, f. 242. For evidence of the ASSA's difficulties in the 1870s see Dall's journal, 14 Oct., 9 Nov. 1872; 28 March 1874; 31 March 1877, Dall collection, 22.16/17.

<sup>33</sup> F. B. Sanborn, *Board of State Charities of Massachusetts, 2nd Annual Report* (Boston, Mass., 1866), 213 in Furner, *Advocacy and Objectivity*, 25.

<sup>34</sup> *JSS*, xxxv, 1897, 26–30. <sup>35</sup> Leach, *True Love and Perfect Union*, 425n.

1880, and Carroll D. Wright, the first commissioner of the US Bureau of Labor from 1885, achieved influence in public life. But its relative inadequacies as compared to the SSA in Britain and to its stated aims of the 1860s, mark it out as more truly representative of a declining status group of some significance in the history of late nineteenth-century America. This group, a cosmopolitan intellectual clerisy, led Northern opinion before and during the Civil War but was rendered obsolete with the change of national mood and preoccupation after 1865. The ASSA very swiftly became a defensive reaction to the marginalisation of the so-called 'Best Men' – a 'safe haven for sound opinion' in Haskell's phrase, a focus for political values and social expectations that no longer carried influence. It conforms, in this perspective, to an accepted interpretation of American political and social development.<sup>36</sup> The ASSA was staffed by 'men of the Mugwump type'<sup>37</sup> from the old professions of law, medicine, and the church, threatened with a derogation of their authority and prestige. They were the first victims of the 'status revolution' that Hofstadter took to be the prime mover of late nineteenth-century Progressive reform – the communal reaction of a class, previously assured of its socio-political pre-eminence, to the rise of the trusts and big business on one side and to the consolidation of organised labour and influx of immigrants on the other. This traditional elite was suddenly out of place in Gilded Age America: out-spent by the new rich; out-campaigned by the political machines that consummated the alliance between urban votes and city bosses; out-manoeuvred in a political system and bureaucracy reliant on institutionalised corruption. The 'Best Men' had been politicised in the 1840s and 1850s by moral issues of national significance but political power after the Civil War passed to politicians focused on local, community, and ethno-cultural issues who drew on purely sectoral – as opposed to national – support.

The political concerns of the 'liberal reformers' centred on civil service reform to ensure efficient and honest administration. They sought a restoration of their professional authority and recognition of their talents by colonising a reformed bureaucracy. In this way they hoped also to promote their own schemes of social reform. In December 1866 Jarvis wrote to Chadwick asserting that the first priority was an attack on

<sup>36</sup> Richard Hofstadter, *The Age of Reform: From Bryan to FDR* (New York, 1955) and *Anti-Intellectualism in American Life* (London, 1964), 172–96; J. G. Sproat, 'The Best Men': *Liberal Reformers in the Gilded Age* (Chicago, 1968); G. Blodgett, 'Reform Thought and the Genteel Tradition' in H. Wayne Morgan (ed.), *The Gilded Age* (Syracuse, N.Y., 1970 edn), 55–76.

<sup>37</sup> Hofstadter, *Age of Reform*, 137.

political influence and corruption in the federal government: 'It would be a blessing if we could have the competitive examination for all our public officers and others in public service.'<sup>38</sup> In the late 1860s the ASSA had its own 'civil service reform committee' contributing to a long and ultimately effective campaign ending with the Pendleton Act in January 1883. But this reform of the administration was a singular exception to the reformers' poor record in legislation: their 'campaign to reform postwar society' was, in the words of one historian, 'a pathetic failure'.<sup>39</sup> If the SSA was the creation and expression of a confident middle class, exemplifying their collective influence and accord with the traditional governing aristocracy, then the ASSA represented a small and isolated section of the American bourgeoisie and expressed the concerns of this section's relative decline. If the SSA in Britain was an affirmation of status gained, the ASSA was a response to status suddenly undermined.

It is the American association's reaction to its failure which is so comparatively significant: as it came to recognise its political impotence it transformed itself into an increasingly academic forum and sought access to, and an institutional home in, American higher education. In 1878 following an almost obliterating decline in mid-decade, the ASSA tried unsuccessfully to merge with the newly founded Johns Hopkins University. The university was to have provided a permanent base for a 'regular professor of social science who might also be the secretary of the Association', to have met the ASSA's expenses, and to have published its proceedings.<sup>40</sup> In the mid-1880s Sanborn himself gave courses in social science at Boston University's medical school and at Cornell University.<sup>41</sup> In 1886 the ASSA conducted a survey of social science instruction throughout the United States and established a committee to 'indicate the proper course of work, or to give an extended curriculum in social science for universities, colleges and higher institutions of learning'.<sup>42</sup> These initiatives amounted to a concerted effort to establish what could, should and was being taught as 'social science' in American education, with the ultimate aim, in the words of the first President of Cornell, Andrew Dickson White, one of the founders of the modern American university system, of 'the establishment, in the higher institutions of learning throughout the country, of courses of instruction

<sup>38</sup> Jarvis to Chadwick, 17 Dec. 1866, Chadwick papers, University College, London, 1096.

<sup>39</sup> Sproat, *The Best Men*, 275.

<sup>40</sup> *JSS*, 14 (1881), 28–9; Haskell, *Emergence of Professional Social Science*, 144–67.

<sup>41</sup> *JSS*, 21 (1886), 9; 22 (1887), 16–18. <sup>42</sup> *JSS*, 21 (1886), 23–4; 22 (1887), 7–27, 29.

in all the five main divisions of Social Science recognized by this Association'.<sup>43</sup>

Behind much of this interest in the university lay the practical consideration of finding a respectable institutional sponsor to finance the operation of the Association. It was also a deliberate and considered attempt to effect a fundamental change in the ASSA's *modus operandi* if not its ends. Direct engagement in philanthropy and improvement were de-emphasised; 'science' was given prominence. The ASSA, though still faithful to the promotion of social reform, was to change its style and focus and become a learned society with the university its chosen field of influence. In 1886 Sanborn saw 'the introduction of definite instruction in the social sciences, as a whole, into so many American universities as both the result and the extension of our work in this Association'.<sup>44</sup> Two years later he contended that it was 'by systematic teaching of the social sciences in the lyceums, colleges, and universities of America that the objects of our Association are hereafter to be best promoted'.<sup>45</sup> The reorientation was made all the easier by the gradual disengagement from the Association in the late 1870s and early 1880s of a variety of specific causes into single-issue societies, a development also experienced at this time by the Social Science Association in Britain.<sup>46</sup> This left the so-called American 'Mother of Associations' free to explore more theoretical issues and give greater weight to 'the promotion of science, the ascertainment of principles and laws', in the words of Daniel Coit Gilman, first President of Johns Hopkins and President of the ASSA in 1880.<sup>47</sup>

The vagaries and scale of the American federal political system prevented the deployment by the ASSA of the sort of influence that was the British organisation's *raison d'être*. If social science could not be institutionalised in a quasi-political intermediary between a receptive public and an enlightened government, it turned instead to the seats of learning. The rapid extension of the university system in this period and the sudden access of enormous funds and endowments gave higher education a new cultural centrality, and this held out a variety of attractions to the struggling ASSA. But its reorientation was more than a speculative search for money and status for the system itself came to embody the socio-political values that the ASSA had been created to promote.<sup>48</sup> Its

<sup>43</sup> JSS, 28 (1891), 14.

<sup>44</sup> JSS, 21 (1886), 12.

<sup>46</sup> JSS, 24 (1888), 61.

<sup>46</sup> See ch. 12 below, pp. 358–60.

<sup>47</sup> JSS, 12 (1880), p. xxii. Furner, *Advocacy and Objectivity*, 32–3.

<sup>48</sup> Laurence R. Veysey, *The Emergence of the American University* (Chicago, 1965); Burton J. Bledstein, *The Culture of Professionalism: The Middle Class and the Development of Higher Education in America* (New York, 1976).

purposes – the education of the commercial, professional, bureaucratic, and political elites in America in an ethic of public service, and the institutionalisation of certain middle-class professional values – opened up other means by which the ASSA could achieve its social objectives. As Robert L. Church contended in a perceptive and iconoclastic analysis of the development of professional economics in this period which he considers applicable to sociology and political science as well, the apparent division between ‘amateur’ social scientists in 1880 in the ASSA and ‘professional’ social scientists in universities a generation later masks an essential similarity in the reformist aims of both groups.<sup>49</sup> Retreat to the academy marked a defeat for the ASSA and the groups it represented: but the professionalisation of social science in the universities offered an alternative strategy for attaining political influence which proved remarkably successful in the following decades. As Veysey has pointed out, if the political initiatives of the ‘Best Men’ all failed, then ‘with Harvard as their greatest achievement, it could not be said that the genteel reformers of post-Civil War New England labored in vain’.<sup>50</sup> We might say that the groups that inaugurated the ASSA in a locus of formal political power in the Boston State House in 1865 had, within a generation, relocated their hopes across the Charles River in Harvard, a centre of informal political influence. But this relocation fatally undermined the ASSA. If, by the 1880s, the Association could discern a potentially successful strategy for the dissemination of ‘sound opinions’ that many of its members could further through their individual contact with higher education – as teachers, trustees, administrators, donors – then that same strategy deprived the ASSA of any corporate role in its implementation. The universities had the means and prestige to advance the cause of middle-class reform without the aid of an organisation that had never succeeded in breaking out of its social and geographical enclave. As recently argued, ‘it was as academics and through university connections that social scientists gained influential positions in both a more popular, new middle-class culture of rational reform and in government’.<sup>51</sup> By the late 1880s, the British model, seemingly so potent in the 1860s, was redundant, and the ASSA more a powerless debating society than the ‘out-of-doors-Parliament’ that Caroline Dall had once envisaged.<sup>52</sup>

<sup>49</sup> R. L. Church, ‘Economists as Experts: The Rise of an Academic Profession in America, 1870–1917’ in Lawrence Stone (ed.), *The University in Society* (2 vols., Princeton, 1974), II, 571–609.

<sup>50</sup> Veysey, *Emergence of the American University*, 98. See also L. Schweber, ‘Progressive Reformers, Unemployment, and the Transformation of Social Inquiry in Britain and the United States, 1880–1920’ in D. Rueschemeyer and T. Skocpol (eds.), *States, Social Knowledge, and the Origins of Modern Social Policies* (Princeton, 1996), 173, 189–90.

<sup>51</sup> Schweber, ‘Progressive Reformers’, 178. <sup>52</sup> Dall, *Women’s Rights Under the Law*, 107.

## IV

The relations of science, reform, and politics can be investigated further and the thrust of the current argument substantiated by another institutional example, again situating the Social Science Association in comparative aspect. For the move from reform to science on the part of the ASSA was replicated for similar reasons in the analogous German organisation of the late nineteenth and early twentieth centuries, the Verein für Sozialpolitik. Although the Verein has become associated with the names of the great academic sociologists – with Weber, Simmel, Sombart, and Tönnies – it was founded in 1872 by the political economists Gustav Schmoller, Adolf Wagner, and Lujo Brentano among others, ‘not only to encourage scholarly and technical discussions of contemporary economic and social problems, but also to exert a guiding influence upon the government and public opinion.’<sup>53</sup> Its rededication to predominantly academic research after several years of quasi-political advocacy is another contrast with the British example.

The Verein invites comparison with the social science movement. *The Times* actually referred to it in 1874 as a ‘social science congress.’<sup>54</sup> Haskell has referred to it as ‘the German counterpart of the ASSA.’<sup>55</sup> Moreover Lujo Brentano, a devoted admirer of British liberalism, who came to know the Christian Socialists and Positivists in the late 1850s and early 1860s, and whose relationship with J. M. Ludlow was life-long, was a member of the SSA, attended its second Birmingham congress in 1868, and subsequently two of its sessions in London.<sup>56</sup> The Verein originated among the younger school of German historical economists, the so-called Kathedersozialisten. They sought to supersede the Volkswirtschaftlicher Kongress which, since 1858, had propagated in the interests of orthodox, *laissez-faire* liberalism. The Verein drew participants from a broad political spectrum: Brentano’s advocacy of a free-trading social liberalism<sup>57</sup> was not easily compatible with Schmoller’s social conservatism including adherence to a strong bureaucratic state, an aggressive foreign policy, and state-sponsored social

<sup>53</sup> Fritz Ringer, *The Decline of the German Mandarins: The German Academic Community 1890–1933* (Cambridge, Mass., 1969), 146.

<sup>54</sup> *The Times*, 14 Oct. 1874, 5. It also referred to it as the ‘Association for the Study and Promotion of Social Politics’, 12 Oct. 1875, 5.

<sup>55</sup> Haskell, *Emergence of Professional Social Science*, 159.

<sup>56</sup> *T.1868*, 574–5; *SP 1868–9*, 43, 67; *SP 1871–2*, 126. N. C. Masterman, *John Malcolm Ludlow. The Builder of Christian Socialism* (Cambridge, 1963), 203–5.

<sup>57</sup> H. Kisch, ‘Lujo Brentano’ in D. L. Sills (ed.), *International Encyclopedia of the Social Sciences*, II (New York, 1968), 148–9.



reforms,<sup>58</sup> or with Wagner's even more pronounced nationalism and statism which ultimately led him into Adolf Stoecker's anti-semitic Christian Social Party in the 1880s.<sup>59</sup> Most participants could concur in support for greater state intervention in the economy, however, and the Verein stood self-consciously between socialism and economic individualism or 'Manchestertum' as it was known, attempting to construct a consensus around a programme of moderate social reforms.<sup>60</sup> The relations between organised labour and capital were of especial concern and the Verein endorsed principles and expedients similar to those adopted by the SSA including the legal recognition of trade unions, formal machinery for collective bargaining and the conciliation of disputes, and state regulation of factory hours and conditions.<sup>61</sup>

The Verein was intended to exercise public as opposed to academic influence – to engage the universities with politics and reform, to move out from an academic base. As *The Times* correspondent at the founding meeting in Eisenach in 1872 explained, 'No more respectable assembly was ever called to devise a platform for a new and important political party.'<sup>62</sup> Although the largest section of its membership was always drawn from the universities, it initially encompassed civil servants, journalists, publicists, entrepreneurs, and politicians as well.<sup>63</sup> In 1875 the English historical economist T. E. Cliffe-Leslie noted 'Government officials, merchants and manufacturers, as well as professors and working men' among its members.<sup>64</sup> In its first decade, in conformity with such a membership, the Verein considered legislative issues and public policy but 'in time the professorial element came to predominate . . . and the nature of the organisation changed from a pressure group to a professional association without ever successfully overcoming its basic ambivalence'.<sup>65</sup>

<sup>58</sup> A. Ascher, 'Professors as Propagandists: the Politics of the Kathedersozialisten', *Journal of Central European Affairs*, 23 (1963), 285–91; Ringer, *Decline of the German Mandarins*, 148–9.

<sup>59</sup> G. Meyer, 'Adolf Wagner' in Sills (ed.), *Encyclopedia of the Social Sciences*, xvi, 429–31.

<sup>60</sup> D. Lindenlaub, 'Richtungskämpfe im Verein für Sozialpolitik: Wissenschaft und Sozialpolitik im Kaiserreich, vornehmlich vom Beginn des "Neuen Kurses" bis zum Ausbruch des Ersten Weltkrieges, 1890–1914', *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte*, Beihefte 52–3 (1967), 1–5.

<sup>61</sup> Eugen von Philippovich, 'The Verein für Sozialpolitik', *Quarterly Journal of Economics*, 5 (1891), 228.

<sup>62</sup> *The Times*, 11 Oct. 1872, 6. *Verhandlungen der Eisenacher Versammlung zur Besprechung der sozialen Frage am 6. und 7. Oktober 1872* (Berlin, 1873).

<sup>63</sup> Anthony Oberschall, *Empirical Social Research in Germany, 1848–1914* (The Hague, 1965), 21; Ascher, 'Professors as Propagandists', 285–6.

<sup>64</sup> T. E. Cliffe-Leslie, 'The History of German Political Economy', *Fortnightly Review*, n.s., 18 (1875), 100.

<sup>65</sup> Oberschall, *Empirical Social Research in Germany*, 21.

This was not a smooth transition, but the unwanted consequence of Bismarck's change of economic policy and political alliances in the late 1870s which so demoralised a German liberalism previously in the ascendant during the era of unification. This repudiation of liberalism by the state, the so-called 'Second Reichsgründung', saw Bismarck switch his allegiance from the liberals to the parties of the right; saw the introduction of tariffs on imported iron and grain, breaching liberalism's main article of faith in free trade; saw the introduction of state-sponsored social insurance schemes deliberately promoted to secure working-class loyalty and undercut radicalism; and subsequently led to a purge of the bureaucracy which effectively negated the possibility of future liberal influence in, and co-operation with, the state. This presaged a malaise among leading German liberals leading to defections, abstentions, and withdrawal altogether from public life. For the Verein specifically it led to internal divisions and political redundancy.<sup>66</sup>

The Verein's deep division over the tariff question was evident at a special meeting held in Frankfurt in April 1879 to consider the impending tariff law, where lengthy, angry debate produced a narrow, inconclusive majority in favour of protection.<sup>67</sup> Even more galling was the simultaneous recognition that changed policies and the enhanced role of the state in implementing them – particularly the schemes for accident, sickness, disability, and old-age insurance announced in the spring of 1881 – rendered the Verein politically superfluous. As Marianne Weber recalled in her biography of her husband:

In the first decade of its existence, the Association submitted its proposals directly to the legislators. In those days its meetings were filled with lively propaganda designed to interest people in all walks of life in social welfare. But when at the beginning of the eighties Bismarck started to engage in social politics, thus reducing the prospects for a direct influence upon government machinery, the Association gave up its activities of agitation and replaced propagandistic with academic discussion. The accent was shifted to strictly scientific investigations of current problems.<sup>68</sup>

The organisation of the Verein had been predicated on a traditional conception of plural, liberal politics in which rival interests would

<sup>66</sup> Gordon Craig, *Germany 1866–1945* (Oxford, 1978), 61–100, 140–79; James J. Sheehan, *German Liberalism in the Nineteenth Century* (London, 1982 edn), 181–218; Hans-Ulrich Wehler, *Das Deutsche Kaiserreich 1871–1918* (Göttingen, 1973) published in English as *The German Empire 1871–1918* (Leamington Spa, 1985), *passim*.

<sup>67</sup> *The Times*, 23 April 1879, 7; James J. Sheehan, *The Career of Lujó Brentano: A Study of Liberalism and Social Reform in Imperial Germany* (Chicago and London, 1966), 85.

<sup>68</sup> Marianne Weber, *Max Weber: A Biography* (tr. H. Zohn) (New York, 1975), 128.

compete for the attention of the state. However, the infrastructure for such a politics was systematically undermined from the late 1870s. A year after the decisive debate on the tariff, therefore, the Verein's executive committee took a decision to abandon agitation and to cultivate, instead, a scholarly detachment – a position publicly explained in Ernst Nasse's presidential address to the 1881 meeting.<sup>69</sup> To emphasise the change, the Verein formally ceased voting on resolutions expressing the sense of meetings: 'Thereby the Verein has become still further removed from the political life and immediate interests of the day', as one of its most active members, the Austrian political economist, Eugen von Philippovich, reflected in 1890.<sup>70</sup>

It would be naive to contend that the Verein's subsequent social research was wholly academic in orientation; to suggest a disavowal of political ambitions after 1881; to pretend, indeed, that political advocacy and scholarship can be easily differentiated.<sup>71</sup> In 1890, in a famous example, Weber accepted the Verein's offer to supervise an enquiry into the condition of agricultural workers to the east of the Elbe, and swiftly grasped the political implications of his commission. The research made it evident that the large Junker estates of the Prussian east were economically unviable without tariffs on imported grain that made food more expensive than it would otherwise have been, and without the restructuring of traditional economic and social relations as landowners using migrant Polish workers went over to capitalistic farming and the indigenous peasantry migrated to the west. To Weber this suggested the possibility of a coalition of free-trade liberals with 'enlightened bureaucratic conservatism' which might be dissociated from its political alliance with the landholders if the economic and moral bankruptcy of the Junkers and their consequent manipulation of the political system and state policy could be shown to run counter to the interests of the rest of the nation. A scholarly exposé was to prompt a political realignment: Weber was conscious that the issue was 'a lever for the revival of German liberalism'.<sup>72</sup>

The political impact of such academic research was not insignificant: Weber's inaugural lecture as professor of political economy at Freiburg in 1895, which developed material derived from the study of the east Elbian

<sup>69</sup> Sheehan, *Career of Lajo Brentano*, 86; 'Verhandlungen von 1881', *Schriften des Vereins für Sozialpolitik*, 21 (1882), 1–3.

<sup>70</sup> Philippovich, 'Verein für Sozialpolitik', 232. <sup>71</sup> D. G. MacRae, *Weber* (Glasgow, 1974), 25.

<sup>72</sup> Arthur Mitzman, *The Iron Cage: An Historical Interpretation of Max Weber* (New York, 1970), 72; Reinhard Bendix, *Max Weber: An Intellectual Portrait* (Berkeley, Calif., 1977 edn), 13–23, 30–48.

agricultural problem, was an influential statement of the cause of liberal imperialism which won important converts.<sup>73</sup> Hence it is perfectly fair to argue that the Verein had generalised influence in German public life down to 1914, and that after Bismarck's fall in 1890 a second generation of leaders in the Verein attempted to promote specific political positions once again. But the opposition that the Verein then faced from different interests, including businessmen and socialists; the divisions in the organisation that emerged yet again at the turn of the century; and the problems it continued to experience in bringing its advocacy to bear on Reich policy, seem only to confirm the pattern of the 1870s and 1880s and the conclusions drawn from it.<sup>74</sup> The very attempt to develop a political position through scholarship ran counter to the trend of German academic life. Direct political advocacy was beyond the Verein's capacity, and among intellectuals and bureaucrats more widely there was growing aversion to political engagement of any sort. There was a general depoliticisation of the academic profession as the incompatibility of political advocacy and scholarship became an orthodoxy of the age.<sup>75</sup> As liberal hopes faded and the political influence of independent institutions diminished, so the German professoriate and the middle class more widely became ever more compliant with, and subservient to, the state.<sup>76</sup>

## V

What conclusions can be drawn from these institutional examples? It must be recognised that large quantities of detail and complex arguments have necessarily been condensed in this account. It is not intended that such examples should provide the basis for any global argument on the relationship between 'social reform' and 'sociology' – between competing nineteenth-century conceptions of a social science. Although the organisations under scrutiny were broadly similar and can all be taken to have representative significance, the institutionalisation of social science in nineteenth-century Britain, Germany, and America, either in

<sup>73</sup> Weber, *Max Weber*, 216; W. Mommsen, *Max Weber und die deutsche Politik* (Tübingen, 1959), 78–80.

<sup>74</sup> D. Rueschemeyer and R. van Rossem, 'The Verein für Sozialpolitik and the Fabian Society: A Study in the Sociology of Policy-Relevant Knowledge' in Rueschemeyer and Skocpol (eds.), *States, Social Knowledge, and the Origins of Modern Social Policies*, 117–62. The authors explain their differences with my earlier interpretation of the Verein's history at 158n. Their history of the Verein's second generation seems, in my view, merely to confirm my original argument. See Goldman, 'A Peculiarity of the English?', 161–6.

<sup>75</sup> Sheehan, *German Liberalism*, 234; Wehler, *The German Empire*, 124–5.

<sup>76</sup> Ringer, *Decline of the German Mandarins*, 127; Wehler, *German Empire*, 129–30.

its reformist or academic modes, was a much wider process than these short histories of specific organisations can convey. It is only intended to use these examples to broaden the context in which the Social Science Association is itself placed; to point to some of the intricacies and ambiguities that go unacknowledged in the false antithesis constructed between academic social science and the SSA's 'science of reform'; and to suggest that historians of the social sciences pay more attention to the roots of these disciplines in complex social and political formations.

It is apparent that parallels can be drawn between the Verein and the American Social Science Association. Both began as middle-class forums for research into, and discussion of, social policy, and cherished essentially political ambitions: in this they followed the model of the SSA in Britain. But in the course of time, although for different reasons, both organisations were compelled to give up the hope of direct political influence and take refuge in the academy: the ASSA turned to the new American universities, the Verein was rededicated as an academic forum in itself. Because of this, both organisations have found established places in the 'history of sociology',<sup>77</sup> whereas the SSA in Britain has been largely forgotten, because that history is generally presented as a history of the academy without reference to wider social context and to styles of social science that were institutionalised outside formal academic structures. Yet the Verein and the ASSA were both self-confessed institutional failures: the Boston elite was marginalised, and the Verein, pre-empted by Bismarck's statism, could have no role in a political system constructed in opposition to liberal pluralism. In both cases the resort to the academy was an admission of impotence, a second-best option.

In these examples it is evident that external social and political factors were quite as important as internal and ideational factors in determining the nature of the social science developed. We can envisage a range of potential 'social sciences' dependent for their realisation on the specific institutional opportunities available in each separate culture. In the United States, as such opportunities evaporated after 1865 in the realm of government and administration, social science found a home with great success in a rapidly developing system of higher education – in the sociology departments of Chicago and Columbia. In Britain the conditions of mid-Victorian society – an increasing popular participation in the substance and rituals of politics, the gradual coalescence of metropolitan

<sup>77</sup> Albion Small, first chairman of the first department of sociology at the University of Chicago began his history of 'Fifty Years of Sociology in the United States' with an account of the ASSA. See *American Journal of Sociology*, 21 (1915–16), 725.

and provincial elites and the consolidation of the sections of Gladstonian Liberalism – provided a unique opportunity for a social mediator like the SSA and for its ‘science of reform’. Its success led sympathetic Americans to believe that such a style of social endeavour could be imported directly into the United States. But the socio-political conditions in which it took root were not propitious, and the ASSA came to accept failure, just as the Verein was forced to transform its aims on discovering that it could not assume a political role in Bismarck’s Germany.

The Social Science Association was not an example of stubborn, benighted indigenous empiricism but an institutional inspiration to similar liberal constituencies in other societies. In the accounts of British sociology provided by Anderson and Abrams, the SSA is an aberration. Its institutional replication in Europe and America surely undermines this interpretation, for no aberration could have been so influential and have fostered such international replication. The SSA’s promotion of a social science modelled on the supposed procedures of inductive natural science at a time when science was ‘liberalism’s trump card’<sup>78</sup> places it at the centre of the distinctive culture of the mid-Victorian bourgeoisie rather than at the periphery. Abrams and Anderson made a strict division between synthesising social theorists on the one hand and social reformers on the other. It is a division which the history of social science in general and of individual social scientists in particular will not support, as the example of Weber’s involvement with the Verein suggests. But it is not just a question of both roles being played out simultaneously and feeding off each other. What makes the comparison of the social science associations and the Verein so interesting is the primacy of advocacy and political engagement over and above scholarship for all these comparable liberal middle-class constituencies. To paraphrase Marx, the emphasis was on changing rather than merely interpreting the world: social science was to prescribe social action.

Hence the appeal of the British Social Science Association, so successful in promoting a distinctive style of liberal politics and translating it into legislation. Seen in this context, the institutionalisation of an academic sociology in the late nineteenth century was a consequence, at least in part, of the frustration of the political aspirations of the liberal middle class. To Anderson, ‘sociology was the great intellectual achievement of the European bourgeoisie’ at the turn of the century, a ‘great collective discovery’.<sup>79</sup> His explanation of its absence in Britain turns on the failure

<sup>78</sup> Hobsbawm, *Age of Capital*, 313.

<sup>79</sup> Anderson, ‘Components of the National Culture’, 7.

of the middle class to impose itself on the Victorian political system. Accepting aristocratic political dominance, the middle class had no need for synthetic social analysis to interpret and legitimate non-existent attempts to 're-cast' society in practice: the vital link between social change and its explanatory theory, 'sociology', was absent. By implication, therefore, sociology was the intellectual justification of a radical, assertive, and dominant class. In actuality, however, close analysis of the Verein and the ASSA would suggest the opposite – that sociology, if it expressed the ambitions of the liberal middle class, was a product of, and a compensation for, its political failure.<sup>80</sup> The British middle class may well have compromised with the Victorian aristocracy – though as Marx saw it, if the landed aristocracy 'govern[ed] officially' through its dominance of the offices of the state, the bourgeoisie controlled 'all decisive spheres of civil society'.<sup>81</sup> But the German middle class failed to achieve even this. Giddens is surely closer to historical reality when he explains Weber's life-long concern with the German 'leadership problem' – the distribution of power between the traditional Junker aristocracy, the bourgeoisie, and the working class – as a product of the transition to a capitalist industrialism in Germany that 'proceeded without the occurrence of a "successful" bourgeois revolution, and in the framework of a process of political centralisation secured by Prussian military imperialism'.<sup>82</sup> Conversely, in Britain where bourgeois aims were actually realised – or at least seen to be realisable – through an 'unofficial parliament' like the SSA then an academic 'social science' seemed superfluous. British universities did not begin to institutionalise the social and political sciences until the very end of the nineteenth century – the first chair of sociology, in the University of London, was not established until 1907 – and the SSA seems to have recognised no direct relation between itself and the then existing centres of learning. After the inaugural congress 'certain members of the Council... seem[ed] to be inclined towards Oxford as the next place of meeting'.<sup>83</sup> But unlike the British Association for the Advancement of Science, which made early pilgrimages to the ancient universities to build solidarity between different components of

<sup>80</sup> Ira Katznelson, 'Knowledge about What? Policy Intellectuals and the New Liberalism' in Rueschemeyer and Skocpol (eds.), *States, Social Knowledge, and the Origins of Modern Social Policies*, 40n.

<sup>81</sup> Karl Marx, 'The British Constitution', *Neue Oder-Zeitung*, 6 March 1855, in *Marx-Engels Collected Works*, xiv (London, 1980), 53–4.

<sup>82</sup> A. Giddens, *Politics and Sociology in the Thought of Max Weber* (London, 1972), 28. See also Wehler, *The German Empire*, 242. For wider and different reflections on British and German history in this period see G. Eley and D. Blackbourn, *The Peculiarities of German History. Bourgeois Society and Politics in Nineteenth-Century Germany* (Oxford, 1984).

<sup>83</sup> G. W. Hastings to Henry, Lord Brougham, n.d. (Nov. 1857?), B MSS, 36307. Hastings did not think a visit to Oxford feasible, for 'the town is not large enough'.

the natural scientific community, the SSA never sought academic patronage and seems never to have felt the need for academic support or credibility: it never met in either Oxford or Cambridge.<sup>84</sup> A paper to the 1860 congress by Henry Hennessey, Professor of Physics at the Catholic University, Dublin, 'On the Necessity of Establishing Academical Chairs for the Encouragement of Social and Political Science', was considered so marginal that it was summarised in the annual *Transactions* in under fifty words.<sup>85</sup> And when, at the Edinburgh congress of 1863, one member proposed 'that the Council of the Association shall organise forthwith a department for the reception and discussion of miscellaneous papers bearing upon the theory and practice of the promotion of all the branches of social science' his resolution found no support.<sup>86</sup>

The histories of the ASSA and the Verein evoke familiar images of the frustrated scholar chafing at the limitations of academic life and cherishing vain hopes of influence in the public sphere; of the politician manqué forced to accept a substitute for political engagement in research and instruction. Indeed this whole exercise in comparative institutional analysis is an exploration of the complex relations between intellectual and political practices, between science on the one hand, and reform and politics on the other. This was the fundamental issue before the Verein: as Sheehan has put it, 'neither Brentano nor Schmoller could solve the problem of how the intellectual and the practical, the scholarly and the political, were to coexist and interact. Unhappily, this was a failure shared by almost their entire generation in the German academic community.'<sup>87</sup> In this context it is easy to see why the SSA held such attractions: it offered the prospect of harnessing expertise to political activism, of lending influence to classes and occupational groups excluded from government, and of satisfying the political aspirations of the professoriate.

Without recourse to chauvinistic self-congratulation, it is easy to forget the attraction to French liberals under the Second Empire and German liberals under Bismarck of the relative freedom and pluralism of British public life.<sup>88</sup> The mid-nineteenth century was the high tide of the 'cult of Parlamentarismus' on the continent,<sup>89</sup> and the Social Science

<sup>84</sup> J. Morrell and A. Thackray, *Gentlemen of Science. Early Years of the British Association for the Advancement of Science* (Oxford, 1981), 165–75, 386–93.

<sup>85</sup> *T.1860*, 437–8. <sup>86</sup> *Edinburgh Evening Courant*, 15 Oct. 1863, 6.

<sup>87</sup> Sheehan, *Career of Lujo Brentano*, 89.

<sup>88</sup> Hippolyte Taine, *Notes on England* (tr. Edward Hyams) (1995 edn, London), 290.

<sup>89</sup> Olive Anderson, *A Liberal State at War. English Politics and Economics During the Crimean War* (London, 1967), 45.



Association was evaluated as a luminous evocation of the spirit of representative government and British liberalism. The *Transactions* in 1861 noted a disposition 'to look to the government and customs of the nation which for centuries had preserved social order with growing liberty'.<sup>90</sup> In the following year, the SSA convened in London and, with an especially large contingent of foreign delegates, 'command[ed] the audience not only of the United Kingdom, but of the Civilised world'.<sup>91</sup> To an international liberal constituency, the SSA evoked a paradigmatic set of values and procedures to be applauded and emulated. In it they saw what may be termed the 'cultural pre-eminence of politics' in nineteenth-century Britain, a concept that helps explain the SSA's distinctive ('aberrant') form and function.

Politics was the master discipline, the dominant cultural practice in Victorian Britain. It attracted 'the genius, the intellect, the talent and the energy' of the nation as Disraeli told the Commons in 1854,<sup>92</sup> gave scope for public achievement and display; and dominated the characteristic institutions of the age. Historians have referred to the 'Victorian idolatry of Parliament',<sup>93</sup> and to 'the tremendous hold that Parliament had over the political imagination in mid-Victorian England'.<sup>94</sup> In an editorial on the SSA in 1873 one newspaper drew attention to 'the characteristically English passion for playing at Parliament upon all possible occasions'.<sup>95</sup> The British Association for the Advancement of Science was the 'Parliament of Science', the SSA a 'Parliament of Social Causes' – institutional forms, public discourse, and personal careers were all subservient to parliamentary politics and its mystique in a way that could not be the case in France or Germany in the 1850s and 1860s. The SSA was a compelling example to like-minded liberals seeking an institutional forum to focus their aspirations on government. It was subservient to parliamentary forms, aped a parliamentary style, vied with the House of Commons as a forum for national debate, and competed with select committees and royal commissions as an instrument for research. This subservience to the cultural pre-eminence and primacy of British

<sup>90</sup> *T.1861*, xviii–xix. <sup>91</sup> *Morning Herald*, 11 June 1862, 4. See also *Daily Telegraph*, 4 June 1862, 4.

<sup>92</sup> *Hansard*, 3rd series, CXXXII, 27 April 1854, 970. Disraeli was speaking on the second reading of the Oxford University Bill.

<sup>93</sup> John Vincent, *The Formation of the British Liberal Party, 1857–68* (1967) (1972 edn, Harmondsworth), 39.

<sup>94</sup> Christopher Kent, *Brains and Numbers: Elitism, Comtism and Democracy in Mid-Victorian England* (Toronto, 1978), 150.

<sup>95</sup> *Daily News*, 7 Oct. 1873, 4.

politics only added to its lustre. For the SSA's 'science of reform' seemed to promise a way out from the characteristic enclaves of the liberal middle class – the courts, the hospitals, universities – and into the institutions of the state.<sup>96</sup>

Abrams has contended that the SSA in Britain diverted energies that might otherwise have gone into the construction of a theoretical science of society. But this comparative analysis would suggest that social science as an idea was inextricably linked in liberal minds on both sides of the Atlantic to the practice of social reform. It denoted not only analysis and contemplation, but also practice and politics, activism and administration – 'a conception of knowledge in which thought and action were inseparable'.<sup>97</sup> And to the mid-Victorians its appointed sphere was public life. In this model, sociology found an academic haven only when it failed to find its place in the world of affairs. It was not that a reformist social science 'frustrated' the development of an academic sociology: rather, 'sociology' had its origins in the frustration of reformism.

## VI

The past two chapters have attempted to explain the connotations of 'social science' in the mid-nineteenth century by careful contextualisation – both domestic and international – of the term's meaning and contemporary associations, and by consideration of the various institutional forms in which these meanings were embodied in different societies. 'Social Science' had wide currency as an 'art' to be applied to the solution of social issues as well as a science to be studied. It must be conceptualised as a component of popular culture – as the modish, participatory, popular 'science' of its day, more readily associated with the practical realm of politics and social administration than intellectual life and academic institutions. In this form it spread across national boundaries to several different societies where comparable bourgeois groups readily embraced the centralisation of social debate and the projection of expertise that it denoted. Social science in this guise must appear aberrant if judged by the standards and presuppositions of later academic social scientists looking for the origins of their own professional practices and disciplines. But such judgments are, by their very nature, anachronistic, and depend upon a sharp distinction between the academic and public

<sup>96</sup> See the comments of the Burgomaster of Ghent at the opening of the ISSA's second congress, *Social Science Review* (London), 2, 68 (1863), 671.

<sup>97</sup> Furner, *Advocacy and Objectivity*, 22.

realms which has little relevance to the 1850s and 1860s and perhaps for any subsequent period. Mid-nineteenth-century social science was a component of culture, and was understood and organised in different ways from those we now take for granted. Like so many aspects of the past, it must be liberated from the condescension of the present. In the process, we may achieve a better understanding of the history of the social sciences in the nineteenth century as growing from complex social and political interactions in which science and reform were not opposed but usually linked. There is, in short, no clean, 'academic' and textually based account of the origins of social science, but a messy (though ultimately more interesting) history in which political, cultural, and institutional factors influenced and conditioned the spread of ideas and their public reception. In this complex history, the social science associations have their place as exemplifying, from the 1850s to the 1880s, a distinctive and pervasive conception of social science as a method of gathering, refining, and applying social knowledge and collective experience.



PART IV

*Decline*



*The decline of the Social Science Association: Liberal division, specialisation, and the end of Equipoise*

## I

At the final congress of the Social Science Association in Birmingham in 1884 George Shaw-Lefevre noted a 'distinct revival . . . of public interest in social questions. New questions, some of them touching the very foundations of society and property, are being raised and discussed by the people, and should be freely handled by such a society as this.'<sup>1</sup> Yet by 1886 the Association was dead. Why, on the threshold of an era notable for increased social awareness and the growth of a new 'social politics' did the SSA cease to meet? The answers go beyond merely institutional reasons, and must be approached through broad analysis of changes in late-Victorian culture and politics. The SSA was the product of a specific generation and socio-political context, and it declined as that context changed.

We can begin with the institution itself, nevertheless. When Shaw-Lefevre delivered his address it was to 'an audience of nearly 100 persons'.<sup>2</sup> Compare this to the several thousand who attended the plenary meetings of the Association when it was first in Birmingham in 1857 and the institutional problem is clear. At the Newcastle congress in 1870 'between 1,200 and 1,300 tickets' were purchased, which, if not as many as in the early 1860s, was large enough to sustain the SSA's finances and the interest of its debates.<sup>3</sup> Through the mid-1870s participation stayed at approximately this level. But at the second Manchester congress in 1879 there were only 645 paying participants compared with 1656 when the congress was there in 1866.<sup>4</sup> Numbers had fallen to 587 by 1882, and at Huddersfield in 1883 it was estimated that the tickets sold had 'not reached 450'.<sup>5</sup> For its final congress the SSA sold 673 tickets. The decline in ticket sales must be set against the rise in the Association's

<sup>1</sup> *T.1884*, 27.    <sup>2</sup> *The Times*, 18 Sept. 1884, 10.    <sup>3</sup> *Daily News*, 12 Oct. 1871, 2.

<sup>4</sup> *Manchester Guardian*, 8 Oct. 1879, 7.    <sup>5</sup> *Daily News*, 11 Oct. 1883, 6.

annual expenses from £261 in 1859 to £801 in 1884.<sup>6</sup> At Nottingham in 1882 the receipts from the congress were 'barely sufficient to defray the ordinary expenses of the Association'.<sup>7</sup>

An organisation with financial problems and declining participation was now unwanted. In late 1884 the Portsmouth town council withdrew their invitation to the SSA for 1885, concerned by the size of the guarantee fund the Association required and the town's chances of recouping it through a well-attended congress.<sup>8</sup> In the 1870s the Association had learnt that congresses in major cities no longer attracted special interest or support, and had turned to lesser centres like Plymouth (1872), Norwich (1873), Brighton (1875), Aberdeen (1877), and Cheltenham (1878), where it could be 'an object of excitement to all the local magnates'.<sup>9</sup> In the 1880s even these provincial locations lost interest. Because they were smaller and less prosperous they could not risk losing money on a visit from the SSA. An organisation that had assumed a distinctive role linking the industrial cities with the capital in the 1850s had lost its place in what may be termed 'political space'.

The decline was noted by the press. As early as 1871 the *Daily Telegraph* reported that the congress was not 'exciting anything approaching to the interest' of its predecessors. Members apparently put it down to Brougham's death.<sup>10</sup> Whatever else may be said about Brougham, he had the celebrity to make an occasion of a congress. In 1874 the *Daily News's* correspondent witnessed a gentleman with 'a frenzied attitude and voice laying down the laws of Social Science to an audience of four'.<sup>11</sup> Audiences were so small that sessions were postponed or terminated without discussion.<sup>12</sup> The SSA's return to the sites of former glories in the 1870s made unfavourable comparisons inevitable. When the congress met for a second time in Liverpool in 1876, the local press had only to list the names of those who took part in the first Liverpool congress – Russell, Carlisle, Shaftesbury, Pakington, Gladstone – to make the point.<sup>13</sup> The great attraction of the 1850s and 1860s had been to see, hear, and rub shoulders with prominent public men. The leading figures of the mid-century had retired or passed on, however, and the

<sup>6</sup> *T.1859*, xxxvi; *T.1884*, xxxi.      <sup>7</sup> *Nottingham Daily Express*, 28 Sept. 1882, 2.

<sup>8</sup> *The Times*, 12 Dec. 1884, 6.

<sup>9</sup> *Englishwoman's Review* (15 Oct. 1879), 433. See also G. W. Hastings to Lord Houghton, 10 July 1873, Houghton MSS 11<sup>87</sup>. Trinity College, Cambridge.

<sup>10</sup> *Daily Telegraph*, 7 Oct. 1871, 3.      <sup>11</sup> *Daily News*, 6 Oct. 1874, 2.

<sup>12</sup> *Manchester Examiner and Times*, 8 Oct. 1879, 5; *The Times*, 9 Oct. 1880, 10.

<sup>13</sup> *Liverpool Daily Post*, 11 Oct. 1876, 5; 19 Oct. 1876, 6. See also *Manchester Examiner*, 9 Oct. 1879, 6.



‘coming men’ of the next generation were absent.<sup>14</sup> The SSA no longer debated issues of the moment or had the means and connections by which to shape policy, but entertained the pet schemes of worthy unknowns. Hastings’ election to parliament in 1880 and the loss of his energy and direction, brought the end in sight: as one correspondent wrote to him, ‘Your great experience will stand the House of Commons in good stead. To the “promotion” of the Social Science Association, your “promotion” is a deadly blow.’<sup>15</sup>

The Association did not respond to the decline until too late. At the final congress members apparently discussed changing procedures, but to no avail.<sup>16</sup> At the end of 1884 Portsmouth declined to host the next congress and negotiations began to hold it in Bath, with the marquis of Ripon (formerly Viscount Goderich) perhaps presiding, which would have made a neat symmetry, as Goderich had been one of the founders of the Association three decades before.<sup>17</sup> It was decided in April 1885 that the prospect of a general election in the coming November made it ‘undesirable to hold a Congress during the present year’.<sup>18</sup> This was an unlikely excuse: in 1868 the Birmingham congress went ahead within weeks of the decisive general election which brought Gladstone to power. Organisational activity seems to have been minimal during 1885 and 1886, though this was a fraught and distracting period in party politics. For Hastings, who opposed Gladstone’s Home Rule bill and defected to Liberal Unionism, it was an especially difficult time. However, in February 1886, in a significant last move, the Association sponsored a ‘Conference on Temperance Legislation’ in London. Then, at a special meeting a few weeks later on 14 April 1886, with Hastings in the chair, it was resolved to suspend the Association temporarily and establish a committee to clear its debts. The Association would reconvene ‘whenever the circumstances of the time might seem favourable’.<sup>19</sup> The call never came: the Social Science Association never met again.

## II

There is no single reason for this decline, but a combination of factors, only some of which contemporaries appreciated. The first was the change of generations in the 1870s. By 1874 the ageing earl of Shaftesbury

<sup>14</sup> *Daily News*, 28 Sept. 1882, 2.

<sup>15</sup> Unknown correspondent to G. W. Hastings, 14 April 1880, G. W. Hastings papers, Leeds.

<sup>16</sup> *The Times*, 24 Sept. 1884, 8.

<sup>17</sup> *The Times*, 25 Feb. 1885, 8.

<sup>18</sup> *The Times*, 20 April 1885, 9.

<sup>19</sup> *The Times*, 16 April 1886, 8.

could sense the passing of an era when he visited the Association for the last time in Glasgow. His earlier appearances had been attended with flattery, success, and enormous self-satisfaction. On this occasion he felt threatened. He had been passed over as president for the year in favour of Lord Rosebery, and was not impressed by the young Liberal's opening speech which 'present[ed] deep hostility to all such views as I dare to hold'.<sup>20</sup> At the Working Men's Meeting, Shaftesbury shared the platform with John Tyndall, the natural philosopher and populariser of science, and in his eagerness to vindicate religion made barbed remarks at the professor's expense.<sup>21</sup> He was hissed by the men, and criticised and abused afterwards: 'The press of Glasgow almost universally against me . . . I stand well with the people; but very ill with the Professors.'<sup>22</sup> Glad to escape, he saw the debacle as a portent of change:

But it is over; and it could probably be the last of Oratorical Efforts at Congresses of any kind – New Questions have arisen – new opinions – new feelings – new views of the present, & the future – Old things are passing away; all things are becoming new – and possibly they may be for the better. But I must not, henceforward, enter, as it were, into 'competitive' examinations with men young enough to be my Grand-children; & have my ancient tone – sore, and out of date, principles and sentiments, weighed in the balance with theirs, found wanting, and treated to ridicule – I live, I see, not on what I can do, on what People expect – but on what I have done – and this will soon be lost & forgotten.<sup>23</sup>

If the origins of the Association are best explained by a change of social tone in the prosperous 1850s then its demise may be explained by the economic, political and social changes that brought the mid-Victorian equipoise to a close. The age of 'liberal triumph' gave way to economic depression in the 1870s, and was followed by a period of rising class tension.<sup>24</sup> The SSA had been premised on social harmony. When, for three days in February 1886, the East End rioters took over the West End of London and smashed the windows in clubland, this period had demonstrably come to a close. Within weeks the SSA was itself disbanded. The 1880s was the era in which poverty was rediscovered, socialism emerged, new unions of the unskilled were founded and class antagonism returned. This was not the context in which the SSA was created and its style now seemed outmoded.

<sup>20</sup> Journal of the seventh earl of Shaftesbury, 1, 3 Oct. 1874, Shaftesbury (Broadlands) papers, SHA/PD/10, University of Southampton.

<sup>21</sup> *Glasgow Herald*, 3 Oct. 1874, 4; 5 Oct. 1874, 4.

<sup>22</sup> Shaftesbury, Journal, 8 Oct. 1874. <sup>23</sup> *Ibid.*, 3 Oct. 1874.

<sup>24</sup> Eric Hobsbawm, *The Age of Capital 1848–1878* (London, 1975, 1977 edn), 354.

Government had changed as well. In the 1850s social reform denoted voluntary and local action, and perhaps some permissive legislation to encourage the enthusiasts. The SSA had itself campaigned for central intervention in education and public health, and the very success of these campaigns rendered the Association redundant. Northcote told the SSA in 1869 that 'social questions are assuming such large dimensions that they cannot adequately be dealt with except by the employment of the central administrative machinery'.<sup>25</sup> By 1882 the Association had discovered this for itself: as a comment in the only extant SSA minute book makes clear, the Association was no longer competent to act alone. Having set out to investigate secondary education in Britain, and having received a poor response to its questionnaire, it reached 'the conclusion that it is impossible for a private Assocn. to succeed in obtaining sufficient information of the kind required'.<sup>26</sup> Compare this to the acknowledged superiority (relative to anything the state could then accomplish) of the Association's research into trade unions and public health in the 1850s and 1860s and the change in the relationship between the SSA and central government is evident. As Weber had explained, the rise of permanent bureaucracy was an inevitable aspect of the growth of modern states when they could no longer depend on the informal expertise of transitional bodies like the SSA.

The SSA had opened its debates to senior civil servants who had used it to build support for their precarious position in government at mid-century. But the principles of the Northcote–Trevelyan Report and open competition for places in the bureaucracy did their work. By the 1880s central government had a more established and professional civil service, drawn directly from the universities rather than professional practice as had been the case in the 1830s, with the capacity to act without assistance from voluntary groups.<sup>27</sup> The Association worked for two decades to create an integrated structure to improve public health, and then discovered that the central bureaucracy had taken 'state medicine' out of the hands of the reformers.<sup>28</sup> The age of the heroic 'statesmen in disguise' had ended, terminating also the connections that an organisation like the SSA could establish with key policy-makers.<sup>29</sup> Social questions

<sup>25</sup> *T.1869*, 4.

<sup>26</sup> 'Minute Book of the Standing Committee on Education, May 13 1874–June 16 1885' (21 May 1885) in the possession of the late Lord McGregor of Durris, London. See above pp. 249–50.

<sup>27</sup> G. R. Searle, *Entrepreneurial Politics in Mid-Victorian Britain* (Oxford, 1993), 124.

<sup>28</sup> Royston Lambert, *Sir John Simon, 1816–1904, and English Social Administration* (London, 1963), 577.

<sup>29</sup> G. Kitson Clark, *An Expanding Society: Britain 1830–1900* (Cambridge, 1967), 178–9.

had become staples of parliamentary debate and were now dividing the parties. One effect of the 1867 Reform Act, it has been argued, was to encourage the development of the political party as a policy-making body.<sup>30</sup> The SSA had been founded because the parties in the 1850s were unable to think constructively about social reform. But when parties began to take the initiative they deprived the Association of its *raison d'être*. Insofar as the Association had educated the public and political class to take interest in, and responsibility for, social improvement, its role was at an end. 'Measures' were becoming the rationale of government: the contrast with the legislative confusion and executive somnolence of the 1850s that inspired the SSA is clear.

As government and parliament changed so did ideology. The moderate, empirical, and non-denominational Liberal reformism of the 1850s, which characterised the SSA, was no longer relevant to the harsher climate of social discord and political division in the 1880s.<sup>31</sup> Chamberlain's Radical Programme polarised Liberalism, whereas in the 1850s there was a broad Liberal consensus favouring 'improvement' on which the SSA drew. Chamberlain's target was not ineffectuality, but classes hitherto comfortable with the mid-Victorian consensus – 'those who toil not neither do they spin'. Reform denoted now a class-specific agenda rather than institutional renewal. Moreover, as we have seen, the 1880s witnessed the drawing of battle lines over the place of the state in society. On one side there was a reaction against increases in the competence of the central state which had occurred in the 1860s and 1870s; while on the other, an intellectual transformation among liberal thinkers led by T. H. Green encouraged a new conception of the state as facilitating individual self-realisation. The SSA's brand of 'indirect state-interventionism' in which state powers were used to remodel the institutional structures of mid-Victorian Britain, but left individuals alone, neither taxing them to pay for welfare nor limiting the prerogatives of property, was outmoded.<sup>32</sup> The focus had moved beyond constructing effective mechanisms of public administration to the very things that a reformed administration should actually do for the people. In the 1860s the role of the state was not at issue. But it was in the 1880s

<sup>30</sup> John Vincent, *The Formation of the British Liberal Party 1857–1868* (Harmondsworth, 1967, 1972 edn) 272.

<sup>31</sup> M. W. Flinn, 'Introduction' in Alexander P. Stewart and Edward Jenkins, *The Medical and Legal Aspects of Sanitary Reform* (1866) (Leicester, 1969 edn), 21. Reba N. Soffer, *Ethics and Society in England. The Revolution in the Social Sciences 1870–1914* (Berkeley, Calif., 1978), 20.

<sup>32</sup> F. B. Smith, *Florence Nightingale. Reputation and Power* (London, 1982), 134.

and the SSA's automatic statism was no longer acceptable, or at least no longer unproblematic. The Association died once its approach to social questions became contentious.

One historian has written of 'the geological shift of the 1880s'.<sup>33</sup> The decade witnessed the long depression of profits; the end of the landlords' majority in the House of Commons; a Third Reform Act and the associated Redistribution Act in 1884–5 creating single-member constituencies and the infrastructure of modern British democracy; and the Liberal division in 1886, ostensibly over Ireland but effectively over the direction and leadership of the party. The decade saw a definitive change in the attitudes of men of property. They feared for the survival of their wealth as land prices fell, international industrial competition increased, and radicals called again, after the lull between the 1850s and 1870s, for concerted political campaigns against privilege. The more benevolent attitudes of a preceding period of prosperity, which the SSA embodied, evaporated. If domestic issues had dominated the politics of the 1860s and early 1870s, the second Gladstone administration was beset by imperial problems that prevented it charting a clear course forward, even had it known what it wanted to do in government, which is far from clear.<sup>34</sup> These developments marked the transition to a new political era. The SSA had been formed in the mid-1850s at approximately the same time as the Gladstonian Liberal Party; it ceased its activities a matter of weeks before the party divided over the Home Rule bill. Significantly, both Hastings and Westlake, its senior officers and Liberal MPs at the time of the Irish crisis, became Liberal Unionists. The Association was a product of a confident age in which Britain's very international pre-eminence made it possible to apply energies to the reform of the state and its structures. As that supremacy was challenged, and the dominant political coalition, with its related ideology, lost coherence, so the SSA died. The Association had flourished in a culture of liberal optimism, but from the 1880s this was in decline, beset by its own internal divisions; by the resurgence of Conservatism; the competition of socialism; the rise of practical political problems, such as Ireland, that were not amenable to judicious reform; and by a more general (if indefinable) cultural predilection towards irrationalism, though the latter was more marked on the continent than in Britain.<sup>35</sup>

<sup>33</sup> Harold Perkin, *The Rise of Professional Society. England Since 1880* (London, 1989) (1990 edn), 48.

<sup>34</sup> H. C. G. Matthew, *Gladstone 1875–1898* (Oxford, 1995), 120.

<sup>35</sup> H. Stuart Hughes, *Consciousness and Society. The Reorientation of European Social Thought 1890–1930* (1958) (1979 edn, Brighton, Sussex), 35–7.

The argument that the Association was a victim of generational change may be presented in a better light, however: it can be argued that its decline was born of success, that it expired because its work was done. As early as 1872 the *Daily News* could see 'that the social legislation already carried out by the Government has rather diminished the number of exciting topics' tabled for the annual congress. The Association's focus on social reform had now been imparted to politics: 'So here we are with plenty to talk about, but with a sense that now social questions are being so very practically discussed in Parliament, our more theoretical social science discussions are a little superseded and eclipsed.'<sup>36</sup> Reviewing the agenda in 1878, the same newspaper could find 'no burning question among them; such as education and the ballot used to be in the days before these two controversies were laid to rest'.<sup>37</sup> Educational debate, indeed, was now simply technical and organisational: 'the old controversies which in past days crowded the rooms of this Section are dying out'.<sup>38</sup> The Association had helped establish a consensus on many issues and designed the apparatus by which abuses were now attacked. As one provincial paper prophesied twenty years before, the Association was 'destined to disappear only when its theories have ripened into fruit, when its dreams have been fulfilled'.<sup>39</sup>

'Social science' did not so much disappear as fragment into many sub-disciplines, new organisations, and specialisms. With increasing frequency after 1870, groups of specialists spun out of the SSA, organising themselves in pressure groups and professional societies. Often this followed legislation that cleared the field of obstacles, allowing practitioners to define afresh the desired policy or requisite professional standards. As knowledge became more specialised, and as the modern professions began to coalesce and organise themselves, so unitary organisations like the SSA lost their rationale.<sup>40</sup>

'Why have a monster association?' That was the question of *The Times* when the SSA was inaugurated. Why couldn't separate groups 'each collect its own facts and publish them at its own annual meeting?'<sup>41</sup>

<sup>36</sup> *Daily News*, 12 Sept. 1872, 5.

<sup>37</sup> *Ibid.*, 24 Oct. 1878, 4.

<sup>38</sup> *Ibid.*, 3 Oct. 1883, 4.

<sup>39</sup> *Manchester Examiner and Times*, 20 Sept. 1866, 2.

<sup>40</sup> For a general discussion of this process see Stefan Collini, *Public Moralists. Political Thought and Intellectual Life in Britain 1850-1930* (Oxford, 1991), ch. 6: 'Their Title to be Heard: Professionalization and its Discontents'. That the SSA was undermined more notably by specialisation than by the slower and more inexact processes of professionalisation accords with Collini's argument.

<sup>41</sup> *The Times*, 15 Oct. 1857, 6.

Contemporaries replied that there was then a need for cross-fertilisation; something would be gained by uniting independent action and disparate bodies in one forum. In the mid-Victorian years there was a predisposition for synthesis. In politics the Liberal Party emerged from the synthesis of different parliamentary groups with extra-parliamentary opinion. In intellectual life, as we have seen, the tendency in the work of Buckle, Spencer, and Darwin was towards composite general theories. In culture, 'monster associations' like the SSA and the British Association for the Advancement of Science were characteristic expressions of the 'unity of science', to which all deferred, and symbols of renewed social cohesion. If the grand congress was the preferred mode of mid-Victorian association, the divisions within Liberalism laid bare in the 1870s and 1880s, the impossibility of constraining knowledge and expertise in any single forum, and the restlessness of provincial Britain and Ireland, encouraged separation, specialisation and 'faddism'. After 1870 the centre did not hold.

Robert Young has suggested that the 1870s and 1880s in Britain mark the end of a 'common context'. A unitary culture, bound together by the great reviews and quarterlies which maintained a broad readership among educated Victorians, fell apart in the last quarter of the century and was fissured into discrete specialisms.<sup>42</sup> The reading public looked in vain for periodicals that treated culture as 'a great whole'. This had inevitable implications for the SSA, which was intended to allow participation across the full range of disciplines for politicians, experts, and the public alike. By the 1880s developments in many fields made them the province of specialists. The correspondent for *The Times* at the 1882 congress noted that the SSA now had to compete with 'monthly magazines' dealing with general social questions and 'technical journals' for more specialised issues.<sup>43</sup> The competition was disabling in itself. But of equal significance was the distinction being made between public and specialised knowledge. The growing distance between expertise and lay understanding was fatal to an organisation premised on a single, unitary culture. The SSA was an association to collect and debate social knowledge; these processes were (supposedly) open to everyone, and their results, it was believed, could be understood by all. As the *Journal of Social Science* proclaimed, 'it will be our constant aim to present the

<sup>42</sup> Robert Young, 'Natural Theology, Victorian Periodicals and the Fragmentation of a Common Context', in Robert Young, *Darwin's Metaphor. Nature's Place in Victorian Culture* (London, 1985), 126-63.

<sup>43</sup> *The Times*, 22 Sept. 1882, 7.

subjects with which we deal in a language and style that can be appreciated by the great bulk of those who have been educated to read their own tongue'.<sup>44</sup>

Specialisation worked in at least three ways to undermine the Association. In one aspect, it was characterised by the proliferation of new professional societies and voluntary welfare agencies. Deepening knowledge and broader experience of specific problems encouraged a more limited focus, and led practitioners to band together and maximise their impact and social status. In a second aspect, specialisation destroyed the Liberal political synthesis of the mid-century, as the coalition briefly held together by the prospect of Gladstonian reform fractured into splinter groups agitating for specific causes and gave rise to the faddism and crotchets which disrupted both the SSA and the Liberal Party itself in the 1870s and 1880s. Thirdly, specialisation changed the map of knowledge, as new social disciplines were developed that made a unifying social science antiquated, if not also impossible.

The SSA had been founded, at least rhetorically, to unite 'social economics as a great whole' – to combat the tendency in the history of political economy towards ever-narrower definitions of its subject and unite economics with wider moral and social considerations. Yet in the late nineteenth century the determination of Jevons, Marshall, Edgeworth, and others to make economics a mathematical, value-free, and rigorous science worked against the holistic aspirations of the 1850s and 1860s. Neo-classical economists of the 1880s and 1890s were criticised by historical economists precisely because they were accentuating (in the latter's view) the worst aspects of deductive Ricardian methodology, and taking economics ever further from its rightful place within the moral and social sciences. But the academic division of labour – another type of late-nineteenth-century specialisation – was in fact breaking up social knowledge into component parts – economics, economic history, political science, sociology – and further accentuating divisions among different specialists, and between all specialists and the public, rather than reinforcing the unity of knowledge.

Specialisation led to the foundation of new societies outside the SSA, and to the proliferation of organisations which considered only elements of what had once been understood as 'social science'. As *The Times* observed in 1882:

<sup>44</sup> *Journal of Social Science* (London) (1865), 4.



The Social Science Congress is distinctly weakened by the similar gatherings of bodies that have encroached on the wide area open to it on its formation. There are the Trades Union Congress and the Health Congress, there are conferences of delegates from Chambers of Commerce and from Boards of Guardians. There are School Boards and conferences of teachers and persons interested in prison management; and all these, while going in many respects beyond the scope of the Association, have necessarily robbed it of some of its old elements of attraction both as to men and matter.<sup>45</sup>

As the *Daily News* put it in the following year, 'the question begins to suggest itself whether the Social Science Congress is not being affected by the modern tendency to specialization which leads bodies interested in the different classes of questions here discussed to form separate societies and hold congresses of their own'.<sup>46</sup> The Charity Organisation Society, founded in 1869, had emerged out of the consideration of pauperism at the SSA in the late 1860s – specifically from a paper delivered by the Revd Henry Solly to a meeting of the Association in London in June 1868.<sup>47</sup> From 1871 the SSA organised annual conferences for the chairmen and vice-chairmen of Boards of Guardians under its auspices, but by early 1878 this group had developed its own organisation, the Central Committee of Poor Law Conferences.<sup>48</sup> Later, in July 1883, the Association organised a first national conference on hospital administration with the support of the medical professions. In less than a year an independent Hospitals Association had been founded, calling on the services 'of regulars active in the Social Science Association'.<sup>49</sup> With an unacknowledged irony, many contemporaries noted the competition now provided by the Trades Union Congress, which had 'eliminated the working man from the Social Science Congress' and now 'compete[d] with the parent association for the hospitality of the towns suitable for the annual gathering'.<sup>50</sup> In view of the circumstances that led to the

<sup>45</sup> *The Times*, 25 Sept. 1882, 8.

<sup>46</sup> *Daily News*, 5 Oct. 1883, 3. For similar comments see *Englishwoman's Review* (15 Oct. 1880), 461 and 14 Oct. 1882, 433; *The Times*, 2 Sept. 1884, 3.

<sup>47</sup> Henry Solly, *Destitute Poor and Criminal Classes: A Few Thoughts on How to Deal with the Employed Poor of London, and with its 'Roughs' and Criminal Classes* (London, 1868). See [anon.], 'The Origin of the London Charity Organisation Society', *Charity Organisation Society Review* 8 (Oct.–Nov. 1892), 359.

<sup>48</sup> *Report of the Conference of Chairmen and Vice-Chairmen of Boards of Guardians. Held under the Auspices of the Social Science Association . . . November 15, 1871* (London, 1871). SP 1871–2, 21–2; SP 1877–8, 91.

<sup>49</sup> Michael Millman, 'The Influence of the Social Science Association on Hospital Planning in Victorian England', *Medical History*, 18 (1974), 133. J. L. Clifford Smith (ed.), *Hospital Management: Being the Authorised Report of a Conference on the Administration of Hospitals* (London, 1883).

<sup>50</sup> *The Times*, 2 Sept. 1884, 3.

founding of the TUC, it seems both fitting and just that eventually the SSA found itself marginalised by a progeny brought into the world by a neglectful and partisan parent.

Specialisation was a general trend in late-nineteenth-century society and the SSA was not its only victim. In the United States, in a culture in which professionalisation was occurring very rapidly, the American Social Science Association was also weakened by secessions. It became known as the 'Mother of Associations' from which a host of professional and welfare societies emerged.<sup>51</sup> The SSA was spoken of in similar terms: according to *The Times*, 'Social Science has torn its breast too magnanimously; and the mother of many hopeful nestlings is perishing of consequent inanition.'<sup>52</sup> The British Association for the Advancement of Science suffered a similar fate, though it did not quite lose its viability. Faced with the division between popular and specialist knowledge, it turned away from its mass audiences in the 1870s and 1880s. At the same time, however, the foundation of specialist societies and professional associations – the Institution of Electrical Engineers (1871), the Physical Society (1873), the Physiological Society (1876), the Mineralogical Society (1876), the Institute of Chemistry (1877) – removed many professional scientists from its ranks and meetings.<sup>53</sup> Like the SSA it was caught in a cultural 'no man's land' between the front lines of expert and lay knowledge, which were drifting ever further apart. By 1900 it had lost 'the intellectual initiative' to universities and learned societies, and specialist scientific journals had usurped its functions in disseminating information.<sup>54</sup>

#### IV

Even more debilitating for the SSA than either intellectual or institutional specialisation was the fragmentation of Liberalism after the 1860s. Among many reasons for the weakening of late-Victorian Liberalism was the tendency of its natural supporters to focus on single-issue campaigns

<sup>51</sup> See ch. 12, p. 332.

<sup>52</sup> *The Times*, 22 April 1886, 9. Eileen Yeo, 'Social Science and Social Change: A Social History of Some Aspects of Social Science and Social Investigation in Britain' (unpublished DPhil thesis, University of Sussex, 1972), 304.

<sup>53</sup> Philip Lowe, 'The British Association and the Provincial Public', in Roy M. MacLeod and Peter Collins (eds.), *The Parliament of Science. The British Association for the Advancement of Science, 1831–1981* (London, 1981), 131–5.

<sup>54</sup> Roy M. MacLeod, 'On the Advancement of Science' in MacLeod and Collins (eds.), *The Parliament of Science*, 31–4.

and then try to foist them onto the party. The result was incoherence in the 1890s when the Newcastle Programme simply linked together all sectional interests and issues-of-conscience in one amorphous whole. The process had been underway for some time, and can be seen at the Social Science Association. Many different interests tried to use its sessions to their advantage: that was inevitable and even to be welcomed. But it resulted in a growing penumbra of associated meetings and campaigns that were organised to coincide with each congress, or which fought to get their causes included within the SSA's regular sessions.

The feature was noticed first in 1870. The date may be significant, for with a Liberal administration prepared to deal with social questions in power, the hopes of campaigners may have been raised. According to one provincial newspaper,

The proceedings of the sections themselves are every year declining in bulk and importance, compared with the meetings of societies and organisations which tag themselves on instinctively to the coat or petticoats of the National Association. Wherever the carcase is, there will the eagles be gathered together. Wherever the broad banner of Social Science unfurls itself, there gather the people oppressed with a mission.<sup>55</sup>

The remedy was clear: 'Prune off the hobbyists and the crochet-mongers without mercy, and give no license to mere partisan agitations.'<sup>56</sup> The SSA found it impossible: fringe meetings only grew in number, new causes were added to the list of 'parasites' as the *Daily News* termed them in 1872,<sup>57</sup> and the Association was inevitably drawn into the controversies that such campaigns intended to excite. Temperance reformers, pushing for the Permissive Bill, were the most assiduous, closely followed by those seeking repeal of the Contagious Diseases Acts, and then campaigners for stricter observance of the sabbath.

The growth of this unwelcome fringe was not the only problem. The causes being agitated outside the SSA were of a religious and moral character, and were prosecuted by campaigners who could brook no argument: there could be no debate, let alone compromise, with evil. Yet the Association had sought to represent itself in terms of a commitment to science, reason, and open enquiry. In other words, the tensions which made it impossible to debate the issue of the Contagious Diseases Acts inside the Association in the early 1870s were also present in its relationship with other single-issue causes that battened onto it.<sup>58</sup> 'Scientific

<sup>55</sup> *Newcastle Daily Journal*, 27 Sept. 1870, 2.      <sup>56</sup> *Ibid.*, 29 Sept. 1870, 2.

<sup>57</sup> *Daily News*, 11 Sept. 1872, 4.      <sup>58</sup> See above, pp. 129–36.

liberalism' – the approach of the experts – and Victorian moral reform were often antipathetic. But the more the fringe grew, and the more the Association weakened, the less distinct was the difference between the two: 'social science' lost its identity as a distinctive approach to social questions. The effect of the 'crocheteers' was to undermine the social and political authority of the SSA as an expert forum; increasingly it denoted a collection of controversial special interests lacking public respect. Symbolically, after many years trying to keep temperance advocates at bay, the Association's last act was a 'Conference on Temperance Legislation' in London a matter of weeks before its operations were suspended.

Philip Abrams argued that mid-Victorian social science was focused on identifying 'single causes' for complex problems, and hence, was intrinsically limited, in both its social analysis and its practical response to social ills. Among the most virulent of single causes, supposedly, was alcohol, which social science apparently blamed for the most common disorders.<sup>59</sup> The calibre and breadth of debate among doctors in the SSA's Public Health Department, or among lawyers discussing legal reform, might lead one to doubt this argument. Given the extent of the Association's interests, it would be difficult to contend that social science was fixated on simplistic solutions. The evidence actually suggests a considerable *disinclination* to believe that drink was the root of all evil, and to argue that even if it was, prohibition of alcohol would constitute an unacceptable infringement of personal freedom. As Hastings wrote to Brougham, 'because drunkenness is an evil & parent of others, the conclusion is jumped at that it is lawful and expedient to try and put an end to it compulsorily'.<sup>60</sup> The SSA discussed temperance, and gave its advocates, as Hastings put it in 1865, 'a fair platform', but it never endorsed their remedies.<sup>61</sup> The advocates of the local option, which would have given local authorities the power to end the sale of alcohol, were thwarted consistently in attempts to foist the policy on the SSA. At the 1863 congress in Edinburgh, an ambush was attempted to commit the Association's council to the 'local option'. Hastings first tried to smother the proposition in procedure and then referred it to the authority of Brougham, who pronounced from on high that the resolution was out of order and must fall.<sup>62</sup> In these early days, the United Kingdom Alliance and the SSA maintained cordial relations, and in 1865

<sup>59</sup> Philip Abrams, *The Origins of British Sociology, 1834–1914* (Chicago, 1968), 42–4.

<sup>60</sup> Hastings to Brougham, 26 May 1865, B MSS, 26951.

<sup>61</sup> *Sheffield and Rotherham Independent*, 11 Oct. 1865, 2.

<sup>62</sup> *Edinburgh Evening Courant*, 15 Oct. 1863, 6.

at Sheffield Hastings actually presided at one of the Alliance's meetings. He was not an advocate of the permissive bill, he explained, believing 'it infringed too much upon personal liberty' but he was present because he 'wanted more information'.<sup>63</sup> As the years went by, however, relations became strained because the Association would not be bent to the policy. In Aberdeen in 1877, one newspaper noted that temperance had 'never been more than incidentally discussed at the meetings of the Social Science Association. It would almost appear as if the drink question had been systematically avoided.'<sup>64</sup> Indeed, to the horror of teetotallers, alcohol was actually on sale in the reception rooms at each congress.<sup>65</sup> But the temperance reformers were nothing if not tenacious. At the final congress in 1884 they sent a recommendation to the SSA's council calling for the addition of a new department on temperance alone.<sup>66</sup> Following this suggestion, in February 1886 a 'Conference on Temperance Legislation' was held to review proposals for controlling the sale and distribution of drink. It is surely significant that after years of friction between the Association and this particular lobby, during which the SSA had used every means to ensure it did not become associated with a single-issue campaign of such notoriety, it gave ground with almost its last act.<sup>67</sup> This was a measure of its weakness by 1886, and a sign that in an era of single-issue agitations the SSA had had its day. That the Contagious Diseases Acts should have been repealed in the same year may also be significant in this context: the tide had turned against the SSA and its broadly based, empirical approach to reform.

## V

The Social Science Association was quickly forgotten: today it is known only to more serious students of the nineteenth century. Because so many of its leading figures had grown old or died by the 1880s, there was hardly anyone left to recall its triumphs or transfer its example to new institutions. There are few references to it after 1886 and almost the only one of its senior figures who went any further in public life was George Shaw-Lefevre, later Lord Eversley, who supported progressive causes throughout his career. He sat in the Liberal cabinets between

<sup>63</sup> *Sheffield and Rotherham Independent*, 11 Oct. 1865, 2.

<sup>64</sup> *Aberdeen Daily Free Press*, 20 Sept. 1877, 4.

<sup>65</sup> 'Permissive Bill Meeting', *Leeds Mercury*, 10 Oct. 1871, 5; *Aberdeen Daily Free Press*, 20 Sept. 1877, 7.

<sup>66</sup> *Birmingham Daily Post*, 25 Sept. 1884, 5.

<sup>67</sup> *Transactions of the National Association for the Promotion of Social Science. Conference on Temperance Legislation, London, 1886* (London, 1886).

1892 and 1895, latterly as President of the Local Government Board, and he ended, fittingly, as a member of the Progressives who took control of the London County Council in the 1890s. But Shaw-Lefevre was always something of a political 'loner' and no other figure of note in the SSA seems to have followed his example.<sup>68</sup> Indeed, his very longevity in public life was resented by a new generation.<sup>69</sup> There is no hint of a connection from the SSA with the Fabians, the ethical societies, the various academic circles in which the new subject of sociology was discussed, the socialist revival, and the other nurseries of reformist politics of the early twentieth century. When J. M. Ludlow wrote his autobiography he devoted a chapter to the SSA but described it as an extinct creature at which his readers would marvel.<sup>70</sup> Fittingly, Bessie Rayner Parkes' evocative memories of the Association were set down in 1897 in a volume entitled *A Passing World*.<sup>71</sup> Only the Sociological Society cared to remember the SSA, and then only to emphasise that it would not be like its curious ancestor.<sup>72</sup> At its founding conference in June 1904, the president of the meeting recalled his membership of the SSA and spoke favourably of the Association, 'which did good work in its time, and was very properly dissolved after the generation of great men who had established it had passed away'.<sup>73</sup> Others were not so impressed. The venerable Positivist, J. H. Bridges, reminded the meeting that the SSA had drifted 'into the discussion of interesting specialities, often extremely useful, as to the construction of drains and chimney pots, or as to the best form of spelling-book . . . the discussion of them will not help us in arriving at any conclusion as to the laws of equilibrium and the laws of growth in human societies'. According to another Positivist, J. M. Robertson, 'Of the old Social Science Association it used to be said that it was certainly very Social, but it never got the length of Science; and it finally died for that reason.'<sup>74</sup> The Sociological Society was no nearer an agreed definition of sociology than the SSA had been of social science; like its predecessor, it balanced uneasily between an academic forum, debating society, and policy institute. Nevertheless, for enquirers

<sup>68</sup> F. M. G. Willson, *A Strong Supporting Cast. The Shaw Lefevres 1789-1936* (London, 1993), 254-6.

<sup>69</sup> Beatrice Webb, *Our Partnership* (London, 1948), 111-12, 115.

<sup>70</sup> J. M. Ludlow, *The Autobiography of a Christian Socialist* (ed. A. D. Murray) (London, 1981), ch. xxiv, 'Trade Unions - The Social Science Association'.

<sup>71</sup> Bessie Rayner Belloc, *A Passing World* (London, 1897), 17-21.

<sup>72</sup> R. J. Halliday, 'The Sociological Movement, the Sociological Society and the Genesis of Academic Sociology in Britain', *Sociological Review*, n.s. 16 (1968), 377-98. Sandra M. Den Otter, *British Idealism and Social Explanation. A Study in Late Victorian Thought* (Oxford, 1996), 133-41.

<sup>73</sup> *The Sociological Society* (London, 1904), 18. <sup>74</sup> *Ibid.*, 19-20; 22.

of the next generation, the SSA was either forgotten or else a model to be avoided.

Should the SSA's inability to transcend its generation and context surprise us? Though its demise may be explained in relation to the specific situation of the 1870s and 1880s, there is scope for the broader argument that the history of social reform is essentially discontinuous. Social institutions and social ideas lose their influence as generations change. Each generation in turn, it may be argued, discovers anew (or forgets, in certain cases) specific social problems. Frequently there is little continuity in approach or understanding. And even in circumstances where a way of understanding a problem endures, the general receptivity of the culture may affect the influence of the same ideas over time. Despite the relative prosperity of the mid-century, it cannot be maintained that poverty and problems of the labour market were a feature of the 1880s, when Charles Booth began to study them in London, but not of the 1860s when the SSA was in session. Hennock has shown that much of Booth's work was foreshadowed by papers and discussions at the SSA a generation before, but the culture was then less responsive to the problems, and the suggested solutions were ignored.<sup>75</sup> Late-Victorian social consciousness was more sensitive to poverty, low wages, and an overstocked labour market than mid-Victorian optimism. The conclusions of one age tend to have limited applicability and a limited lifespan. And even if they continue to be relevant, different political and cultural contexts may cause them to be ignored or overlooked. A late-Victorian generation consumed in debates over the meaning and import of 'social evolution' had little regard for earlier policy-orientated debates that lacked entirely the evolutionary paradigm.

## VI

A few days after it suspended operations, *The Times* penned the Association's obituary in a wise and generous editorial, inflected with the gentle irony that it often reserved for its commentaries on the organisation. Some of the points then made substantiate arguments made here. It noticed first that the public had paid little attention to the SSA's demise given 'the concentration of popular anxiety at the time upon the pending political crisis'. Home Rule and Liberal division signalled that a more fraught age was beginning. It was aware 'that the Social Science

<sup>75</sup> E. P. Hennock, 'Poverty and Social Theory in England: The Experience of the Eighteen-Eighties', *Social History*, 1 (1976), 67-91.

Association had lived beyond its means'. And it remarked on the process of institutional specialisation that had weakened the Association: 'For a long period the floaters of theories had no other medium for advertisement than its annual tournaments, or those of the British Association. Gradually the vast field which the two monopolized has been partitioned among a multitude of offshoots.' But *The Times*, which had sometimes wondered what the SSA was for, recognised its greatest success in 'propagating a thirst for social amelioration . . . With a Parliament of the new type occupied for half the year in visions of general legislative meddlesomeness, the convocation of a Social Science Congress for a week's session in September appears a work of supererogation.'<sup>76</sup> This was a measure of the SSA's achievement: it was superfluous because it had made social amelioration an object of national politics.

*The Times* described this as 'an *ad interim* epitaph', convinced that the SSA would try to revive. That it did not, and that it was lost to public consciousness so rapidly, may be related to the fate of its founder and guiding spirit, G. W. Hastings. He remained an MP beyond 1886, albeit as a Liberal Unionist. But in 1892 he was expelled from parliament in disgrace and imprisoned. The son of even a nationally significant provincial physician did not come from a wealthy background, and he was forced to spend beyond his means.<sup>77</sup> His political career was delayed for many years because he had neither the station nor funds for election to the House of Commons. Without connection or aristocratic patronage, Hastings had to devise a new type of strategy to win political favour: to get noticed by active work in the public interest and in the public eye. The Social Science Association was, for him, a vehicle through which to make political contacts. But the life of an inveterate organiser, platform orator, local worthy in his native Worcestershire, and public servant was not cheap, especially if it was all done without remuneration and left no time to make money at the bar, which Hastings gave up in the early 1870s. The Social Science Association paved the way for the professionalisation of public service, and for careers in expanding central and local administrations: but at the time, 'improvement' was largely the work of volunteers. And after 1880 the life of an unpaid parliamentarian must only have increased his expenses. Hastings ran up

<sup>76</sup> *The Times*, 22 April 1886, 9.

<sup>77</sup> On the lowly social status and remuneration of provincial doctors see Ian Inkster, 'Marginal Men: Aspects of the Social Role of the Medical Community in Sheffield 1790–1850' in J. Woodward and D. Richards (eds.), *Healthcare and Popular Medicine in Nineteenth Century England: Essays on the Social History of Medicine* (New York, 1977), 128–63.



debts and speculated without success. In 1891 it was discovered that he had stolen more than £20,000 from a fund for the education of a friend's children of which he was the sole trustee.

In full public gaze in March 1892 he was tried and pleaded guilty to fraudulent conversion. He was sentenced at the age of sixty-six to five years' penal servitude – an irony this, as Hastings had taken such a large role in public debate on establishing and refining the punishment of penal servitude in the 1850s and 1860s.<sup>78</sup> He served his time, was released, and lived on in his native county, writing a little local and family history, until he died in 1917. We may speculate that the shame visited on a man so closely involved with the SSA may have hastened the process by which the Association was itself lost to public memory. The one person who might have kept alive the example of the Social Science Association – and preserved its archive – was lost to public life and history.

<sup>78</sup> See the unsorted papers concerning Hastings' trial and bankruptcy, 1891–3, Hereford and Worcester County Record Office, BA 4925/26 705: 477. *The Worcester Herald*, 20, 27 Feb. and 12, 26 March 1892. J. D. Schooling, 'The County Fathers. A History of Worcestershire County Council 1889–1974' (unpublished MS, 1983), Hereford and Worcester County Record Office, 13–16. On his expulsion from the House of Commons see *Parliamentary Debates*, 4th series, II, 21 March 1892, 1339–42.

## CONCLUSION

### *The Social Science Association and social knowledge*

#### I

This book has tried to demonstrate the place of the Social Science Association in its age by uncovering and explaining its contributions to politics and social policy-making. The Association encapsulated the social concerns of a generation; attracted many of the leading figures of the period; linked together different political, administrative, and professional constituencies; sought to make social administration more efficient and more expert. At a time when formal politics were only just beginning to address social questions the Social Science Association provided information and guidance for legislators and the public and helped establish the permanent structures required to direct social development in the future. In a period making the transition towards a more popular politics, it was an open forum where politicians, predominantly from the Liberal Party, who had grown up in an enclosed political culture made contact with opinion outdoors. In a period before a formal civil service was constructed the Social Science Association provided government with experience, knowledge, and administrative capacity. It stood for the improvement and enhancement of the state's administrative structures rather than state intervention on humanitarian grounds or for its own sake: its interventionism was focused on the perfection of social administration rather than the promotion of social welfare. In that task its members did not react reflexively and empirically when evidence of problems or difficulties arose. Rather, they tended to call on the conclusions of investigation and discussion in the SSA and other expert and professional arenas, and tried to apply the resulting strategies or plans to the institutional changes required. Doctors applied the principles of 'state medicine' to the reform of the public health bureaucracy; educationists drew on many years' debate on the most appropriate educational structures to meet the needs of a society divided by class

and religion; penal reformers drew on the principles of the reformatory movement.

The Association was created for and adapted to a transitional age in the history of the British state between the first systematic attempts at social intervention in the 1830s and 1840s and the development of a permanent bureaucracy from the 1870s. The Social Science Association was designed to mediate: in several different senses it 'filled the gap'. In the age in which a national political culture developed, the SSA provided a platform from which the more adventurous political spirits like Russell and even Gladstone could reach the classes 'outdoors'. In a period before the development of national political organisation – before the Conservative National Union and the National Liberal Federation, for example – the SSA mediated between the metropolis and provinces, carrying important messages in both directions. The Association tried to direct social policy in an era before political parties had developed the means and competence to do this themselves, and a generation before specifically social questions became crucial aspects of partisan division. In this perspective, the SSA was the creature of a specific age. It was called into being by a widely felt need for the co-ordination of social policies in mid-Victorian Britain at a time when the majority of the political class had still to recognise the importance of social issues and the state had yet to perfect its own mechanisms for addressing them.

The origins of professionalisation and the attendant processes of disciplinary specialisation have generally been located in the late nineteenth century, starting somewhere around 1880. The form and function of the SSA, however, points to an important pre-history during this transitional age. In alliance with the Association, different occupational groups sought to establish their social authority by building links to the developing state bureaucracy (like the new medical profession) or by trying to create the infrastructure for professional self-regulation (like secondary schoolteachers), or by making their special concerns more appealing and visible (like the law reformers). Different ideological and social networks, often of recent origin, such as feminist activists, trades unionists, and penal reformers, used the SSA to further their aims, either by co-opting the Association in campaigns to influence parliament and the executive or by attempting to reach public opinion – now an identifiable political category – through it. Indeed, they helped create the Association in the mid-1850s because they lacked influence and recognition as separate causes. Having established themselves and attracted wider support they

were then free to develop independent networks and institutions. The history of the Social Science Association is thus a stage in the history of the organisation of social groupings and causes in modern Britain: it shows us how forms of social association changed in the space of a significant generation. Isolated groups and interests came together in the 1850s to magnify their influence in a 'monster association', the characteristic institutional form of the mid-Victorian period. Then, out of this, came the specialised institutional offspring – from the Trades Union Congress to the Hospitals Association – of the 1870s and 1880s.

At mid-century the over-arching structure of the SSA gave aspirant professional groups and voluntary societies a platform from which to secure public recognition and a conduit to win political favours. The SSA spanned an era of two parliamentary Reform Acts – the second and third – and helped many emergent groups and causes in an age when the national political culture was broadening and many more people were being brought 'within the pale of the constitution'. By the 1880s, however, in a culture where the old intellectual 'common context' was fragmenting, the growth of knowledge advancing, the requirements of a larger and more diversified population increasing, and the sheer complexity of social administration pressing (as Weber recognised),<sup>1</sup> the natural tendency was towards institutional diversity. Groups had now established their separate professional and social identities, drawn around themselves clear disciplinary and practical boundaries, and were henceforth engaged in developing their professional competence and competing for the attention of clients and the state. Meanwhile, the state itself had to grow in size and responsibility to meet new challenges and expectations. As a consequence of both trends the all-encompassing SSA became superfluous.

Victorian social reform is synonymous with the heroic and crusading endeavours of moralised individuals fighting sin, neglect, and filth. Several of these men and women found a ready audience at the Social Science Association, among them Robert Owen, Mary Carpenter, Florence Nightingale, the earl of Shaftesbury, and even Josephine Butler, who stalked the organisation in fervent opposition during the 1870s. They were variously animated by Christian social teaching, enlightened humanitarianism, and the desire for personal recognition, even notoriety. Social reform in this era has also been firmly associated with the often unrecognised endeavours of officials and civil servants, whether acting

<sup>1</sup> See Introduction, p. 16.

empirically in response to perceived abuses – the so-called ‘tory interpretation’ – or, as in the interpretation advanced in this book, in conformity with prevalent ideas and blueprints generated by the professional communities and interest groups from which they came and to which they remained loyal. They, too, had their place at the SSA. To these varied inspirations for reform we should now add ‘social science’ denoting to mid-Victorians the application to society of the ordered procedures and tests of reason associated with natural science. ‘Social science’, which the Association never defined precisely, undoubtedly excited intellectual expectations that it could not meet, and thus compromised the organisation in the eyes of discerning contemporaries, not to mention later historians. But in ‘social science’ many Victorians believed they had a powerful tool in the process of social improvement. In an age which interpreted ‘science’ as a method by which to arrive at truth, the means by which the SSA essayed the mechanics of change – by investigation and report, debate and conclusion, agitation and influence – offered a different route to reform from the emotionalism of the sole crusader on the one side or the cautious incrementalism of the bureaucrat on the other. Through ‘social science’ organised in such a manner as to encourage mass participation, mid-Victorians believed they had developed a method by which to arrive at desirable reforms and an organisation through which to achieve them.

In some areas of its work the Association was committed to the extension of individual and group rights and the establishment of legal equality; this is very clear in its promotion of feminist reforms. But the corollary of legal and civil emancipation was a harshness of tone and purpose in its approach to social deviants, especially those criminals who refused to follow its specified procedures for personal ‘reformation’ or prostitutes suspected of transmitting venereal disease. It advocated efficient and systematic public administration, as in its proposals for the reform of the machinery of public health, and the more efficient and apparently beneficial use of social resources, as in its support for the Endowed Schools Act. In both cases, it also supported the claims of experts to control the public bodies, commissions, and departments of state charged with the oversight of these policies. It presented itself as a neutral forum but could not escape the interests of the middle-class groups who had formed it and who controlled it. Hence its difficulties in regard to the organised working class. The Association sought their participation and wanted to draw them into its reforming coalition in a figuration of the mid-Victorian social equipoise from which it had itself emerged, but

was ambivalent about their message. It had been understood to have advocated a new approach to trade unionism but was never reconciled to the findings of the most famous of its enquiries, *Trades' Societies and Strikes*. The apparently contradictory amalgam of things it stood for – professionalism in social administration and also professional self-interest; enhanced personal liberty but also strong state-interventionism against recidivists, troublemakers, and the carriers of disease; the reconciliation of the classes and yet the truths of classical political economy; the legal emancipation of women but their subordination to the supposed imperatives of disease prevention – are illustrative of the attitudes, interests, and also the divisions of the Victorian bourgeoisie in its heyday. The SSA held together a coalition of middle-class reformers, loosely identified with political Liberalism, from the 1850s to the 1870s. Its successes, the stimulus it gave to government to perfect social administration for itself, and changes over time in public attitudes gradually rendered it unnecessary, so that its final decade was spent in stately decline. By the time it expired it had ceased to have any influence on the public life of a different, because more socially divided, age.

## II

There are also aspects of the history of the Social Science Association which have a universal and timeless quality to them – features of the Association which have become routine aspects of the apparatus of modern states and the functioning of modern societies.<sup>2</sup> The SSA was an exercise in gathering, using, and disseminating social knowledge, which tasks are crucial to the modern state in its provision of services, welfare, and security, and necessary for any degree of popular participation in government. The SSA was a means of focusing public opinion in general and special interests in particular, and so informing government of the needs and expectations of citizens. The SSA was a forum for social expertise which all states require for effective administration but cannot always generate and harness for themselves – nor should they, for it is a feature of plural societies that there be sources of expert opinion outside state-structures as well. The SSA aspired to provide an ordered and rational forum for the testing of evidence and opinions, and the resolution of differences. All open societies require such arenas and procedures if public conduct and policy are to secure support and be accepted as

<sup>2</sup> D. Rueschemeyer and T. Skocpol, 'Conclusion' in D. Rueschemeyer and T. Skocpol (eds.), *States, Social Knowledge, and the Origins of Modern Social Policies* (Princeton, 1996), 296–310.

legitimate. The SSA also demonstrated the importance of securing social authority for those with extensive and expert social knowledge.<sup>3</sup> Like so many ideologies and organisations of the nineteenth and twentieth centuries it sought to dignify its methods and conclusions and make them authoritative by invoking the powerful sanction of 'science'. To establish its title to be heard the SSA invited the participation of the leading figures of the age, won the approval of the press, disseminated its findings through publications, and demonstrated its utility to members of parliament and ministers. The remarkable self-promotion in which it indulged, the spectacles it laid on each autumn at its congress, and the more serious lobbying it masterminded from its offices in London were required to establish its primacy in social policy and hence its authority. Once the leading figures of the age ceased to attend and single-issue campaigns battered onto the Association in the 1870s it lost that authority. It was not the first organisation to develop such techniques, certainly: it was modelled on the British Association for the Advancement of Science which had been founded a generation before to advance the authority of natural scientists. But it helped to establish a pattern and method of social advocacy which have since become ubiquitous.

State structures developed in the nineteenth century in different ways and in response to different stimuli. The British state did not enlarge in size and competence in response to national unification, as in Germany, or in reaction to national disintegration, as did the federal government in the United States from the 1860s. The influence of military preparedness and war – so often the causes of the growth of states – were only evident at the end of the Victorian era. Instead, the development of the British state exemplifies the cumulative effects of long-run and slow-maturing changes to social structures and political life. Among other factors, the growing expectations of an expanding electorate, changes in the public's tolerance of abuses, the imperatives of religious conscience, the calling of professional men and women (and the professionals' desire to establish their social authority by taking leading positions in the bureaucracy), and the development of new ideas and strategies for better public administration, played their part. All of these factors and forces were channelled through the Social Science Association at a stage when the state was sometimes unwilling and frequently unable to address social questions for itself. In the history of the formation of the modern state there is a stage before the onset of full bureaucracy when social pressures

<sup>3</sup> T. L. Haskell (ed.), *The Authority of Experts* (Bloomington, Ind., 1984).

mandating action depend on voluntary efforts or an admixture of voluntary and public endeavour. The Social Science Association was the product of such a stage and it existed until such time as the scale and complexity of social administration in a quasi-democracy required larger and more permanent structures.

The form and function that the Social Science Association adopted is a distinguishing feature of public life in open societies and representative systems of government. To foreign observers in the 1860s – be they French or German liberals, American Republicans, or progressive Indian brahmins – the Social Science Association seemed to sum the virtues of mid-Victorian British liberalism specifically. We can go further than this, however: the desire to bring all interested and contending parties together in the search for rational and consensual solutions to social and political problems – ‘for affording to those engaged in all the various efforts now happily begun for the improvement of the people, an opportunity for considering social economics as a great whole’ as the first sentence of the *Transactions* put it in 1857 – is a distinguishing feature of liberal politics and liberal practice in general.<sup>4</sup> In Mill’s essay *On Liberty*, published soon after the Association had begun its work in 1859, he emphasised the advantages to an open society of free debate. If men and women were to learn from their mistakes and correct their errors, there had to be interchange: ‘There must be discussion, to show how experience is to be interpreted . . . the only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind.’<sup>5</sup> Mill even sketched the outline of a body which would centralise and then diffuse social knowledge – a ‘central organ’ with the right ‘to know all that is done’ and a special duty ‘of making the knowledge acquired in one place available for others’. It would synthesise information from domestic and foreign sources and from ‘the general principles of political science’ and advise on best practice.<sup>6</sup> Effective, open, and participatory government depended on the capacity of a society to gather, consider, and disseminate information. Insofar as the Social Science Association tried to do these things, and notwithstanding the divisions of opinion within its ranks over many issues, it embodied universal *liberal procedures* as well as liberal principles. As a functioning example of consultation

<sup>4</sup> *T.1857*, xxi.

<sup>5</sup> J. S. Mill, *On Liberty* (1859) (London, 1991 edn, ed. J. Gray and G. W. Smith), 40.

<sup>6</sup> *Ibid.*, 127–8.



and consensus – even though it was influenced by the professional and class interests of its members – the Social Science Association acquired and still possesses the characteristics of a liberal archetype.

There has been nothing quite like the SSA in modern British history. It was very much more than a pressure group fighting for a single issue; it was more than a forum for the ventilation of new ideas. In terms of its influence and direct effects on policy, it stands comparison with – and probably exceeds – the more famous Benthamite utilitarians of the 1820s and 1830s and the Fabian Society of the late nineteenth and early twentieth centuries, though it was different in kind from these ideological networks of like-minded reformers. It worked on a much grander scale than either group, included men and women of different views, looked to the public as well as the administration, and, unlike the Fabians, it did not have to ‘permeate’ government as the most prominent figures and functionaries of the age were, from the very beginning, among its members and leaders. The advocacy and influence of such extra-parliamentary networks has found its way into the historical consciousness of modern Britain precisely because they stood for a notable ideological or political position. Conversely, the SSA has been forgotten because it was an open and formally neutral arena which did not pursue any single cause but aimed to be something much more ambitious, a surrogate legislature and bureaucracy in an age when government was only erratically addressing the social questions of a now mature industrial society.

The Association was created out of a recognition that the adaptation and remodelling of social institutions – ‘social reform’, as contemporaries had begun to call it – had become a necessary and hence regular aspect of the governance of such a society rather than an occasional feature through specific reformist campaigns. To monitor social issues and legislation it had an office in London, *standing* committees for each of its five departments and, in addition to its annual provincial congress, it convened regularly during the parliamentary session to discuss topical or otherwise relevant issues. The SSA was premised on the need for the constant regulation of society at a time when the formal administration, at both central and local levels, was unable and unwilling to provide this. But a generation later, by the 1880s, it was becoming a recognised and central function of government to furnish consistent and well-adapted social policies. Having played its role in making social questions ‘political’ – in demonstrating the responsibility of governments to address them and the processes that might resolve them – the Social Science Association was no longer required. Historians have long been familiar

with the concept of 'statesmen in disguise' in this era – leading civil servants who determined policy for themselves according to their experience, expertise, and professional knowledge at a time of relative parliamentary ignorance and apathy on social matters and in a central administration that allowed them surprising freedom of manoeuvre and action.<sup>7</sup> Many of the species were involved with the SSA: Farr and Simon attended its founding meeting; Crofton dominated its thinking on penal matters; the Endowed Schools Commissioners had come from its ranks; Chadwick roamed across all its departments. In view of the attention-seeking stratagems of the Social Science Association, we can hardly call it a 'parliament in disguise' for it was openly acknowledged as an 'alternative parliament'. But in many respects the SSA was the analogue and correlate of the bureaucrat-statesmen of the age where social policies were designed and then promoted collectively. Like the 'statesmen in disguise' the Association was required because of the absence of expertise and lack of urgency in parliamentary government. But like the heroic (and sometimes overweening) bureaucrats of the age, and in conformity with the pattern of bureaucratic growth that Weber explained, by the 1880s the advent of an enlarged and more organised civil service, and a growing tradition of local activism (which was now especially evident and effective in the sphere of public health) left it without a function.

If the Social Science Association is unique in British history then it must be acknowledged that there was nothing quite like it in *any* society in the nineteenth century. Drawing together 'the intelligence of the nation' in a single social forum was a luminous model for like-minded liberals in other countries, though their efforts to replicate this liberal *modus operandi* were not as successful. Since the Association's demise in the late nineteenth century, public forums, expert societies, research bodies, and policy institutes have proliferated in Britain and other plural societies, all seeking to make a contribution to democratic politics, whether as exponents of supposedly value-neutral science, partisans for a particular ideology, or representatives of special interests. In the past generation in Britain the number and influence of such organisations has increased so palpably that, paradoxically, it has become commonplace to wonder whether democracy can still assimilate all the special interests and the expert opinions that clamour for attention. As we struggle with an excess of expertise and a plethora of different organisations seeking control

<sup>7</sup> See Introduction, pp. 13–17.

over social policy, we may cast a glance backwards to a period when the Social Science Association synthesised science, reform, and politics for the mid-Victorians, and stood on its own as a pioneer of social and political practices – most notably knowledge-gathering, social debate, and policy-making – which are now intrinsic to the processes of modern societies and the responsibilities of modern states.

## *Appendix I*

### BIOGRAPHICAL LIST OF THE FOUNDERS OF THE SOCIAL SCIENCE ASSOCIATION PRESENT AT ITS INAUGURAL MEETING IN BROUGHAM'S HOUSE, GRAFTON STREET, LONDON, 29 JULY 1857

(Source: 'Persons present at a Private Meeting at Lord Brougham's House in Grafton St., 1857', autographed list, G. W. Hastings collection, Leeds)

\* denotes a member of the Law Amendment Society

# denotes a member of the National Reformatory Union

+ denotes one of the twenty-four signatories who formally sanctioned the 1856 petition for a Married Women's Property Act

\*# HENRY PETER, LORD BROUGHAM AND VAUX (1778–1868), President of the Social Science Association.

\* PROFESSOR JOHN THOMAS ABDY (1822–99), Regius Professor of Civil Law in the University of Cambridge 1854–73. Fellow of Trinity Hall. Judge of the County Courts 1871–93.

\*# SIR CHARLES BOWYER ADDERLEY (1814–1905), first Baron Norton. Liberal-Conservative MP for Staffordshire 1841–78. Vice-President of the education committee of the Council, and President of the Board of Health in 1858. A minister in Conservative administrations in the 1860s and 1870s. Chairman of the Royal Sanitary Commission 1869–71.

MRS SARAH AUSTIN (1793–1867), translator and wife of the jurist John Austin.

+ ANNA BLACKWELL (1821–1910), probably the sister of Elizabeth Blackwell, the first female physician in the United States who qualified in 1849 and who also practised in Britain where she was received into the women's movement.<sup>1</sup>

<sup>1</sup> DNB, 2nd suppl., I, 170–1; *Dictionary of American Biography*, II, 320–1.

- + BARBARA LEIGH SMITH BODICHON (1827–91), illegitimate daughter of Benjamin Smith, Liberal MP for Norwich. Acknowledged leader of British feminism in the 1850s.  
DR EUGENE BODICHON, French physician, domiciled in Algeria, and present with his wife, Barbara Leigh Smith Bodichon.
- \* HERBERT BROOM (1815–82), Reader in Common Law, the Inner Temple, and author of legal textbooks.  
JOHN THACKRAY BUNCE (1828–99), editor of *Aris' Gazette* and later of the *Birmingham Daily Post* 1862–98.  
LORD ALFRED SPENCER CHURCHILL (1824–93). Second son of the fifth duke of Marlborough; moderate Conservative MP for Woodstock 1845–7, 1857–65.
- \* SAMUEL COURTAULD (1793–1881), textile magnate.
- \* DR ROBERT DUNN (1799–1877), surgeon and vice-president of the Anthropological Society.
- \* ANDREW EDGAR, barrister.  
DR WILLIAM FARR (1807–83), physician and statistician. 'Compiler of Abstracts' in the General Register Office.
- # WILLIAM FORSYTH (1812–99), Counsel to the Secretary of State for India, 1859–72; MP for Marylebone 1874–80; editor of the *Annual Register* 1842–68.
- \*# HUGH FORTESCUE, VISCOUNT EBRINGTON (1818–1905), third Earl Fortescue from 1861. A high-minded Whig. Private secretary to Lord Melbourne, 1840–1; MP 1841–52 and 1854–9; Secretary to the Poor Law Board, 1847–51; Chairman of the Metropolitan Commission on Sewers 1849–51.
- \* JOHN GASSIOT (1797–1877), a writer on science, researcher into electricity, and a founder of the Chemical Society, 1847.
- \* JAMES WILLIAM GILBART (1794–1863), manager of the London and Westminster Bank and writer on the history, theory, and practice of banking. A significant influence on Peel's Bank Charter Act, 1844.  
LOUISA GOLDSMID (1819–1909), wife of Sir Francis Goldsmid, first Jewish barrister and Liberal MP for Reading from 1860.
- \* GEORGE HADFIELD (1787–1879), lawyer, Liberal MP for Sheffield 1852–74. A founder of the Anti-Corn Law League and prominent Congregationalist.
- \*# GEORGE WOODYATT HASTINGS (1825–1917). Son of Sir Charles Hastings, physician in Worcester and founder of the British Medical Association. Called to the Bar, Middle Temple, 1850. LLB, Christ's

College, Cambridge, 1852. Magistrate for Worcestershire and Herefordshire and holder of local offices. MP for East Worcestershire, Liberal, 1880–6; Liberal Unionist, 1886–92. General Secretary (1857–68) and President of the Council (1868–86) of the Social Science Association.

- \* WILLIAM HAWES (1805–85). Five times chairman of the Council of the Royal Society of Arts, and ‘engaged in schemes for management of hospitals, workhouses, and baths and washhouses; aided in amending the bankruptcy laws’.<sup>2</sup> He was politically connected through his brother, Sir Benjamin Hawes, a Liberal MP 1832–52.

- \* ALFRED HILL, barrister.

- + MARY HOWITT (1799–1888), the popular writer who worked largely in collaboration with her husband William Howitt.

SAMPSON LLOYD (1808–74), founder of the Institution of Mechanical Engineers in Birmingham, 1847. Son of the banker, Samuel Lloyd of Birmingham.

J. MARTINEAU, probably Jane Martineau (known as Jenny), daughter of Harriet Martineau’s brother, Robert. (In the late 1850s Jane Martineau nursed her aunt Harriet. It is plausible that she was present on behalf of her aunt, who was one of the twenty-four sponsors of the 1856 petition.)<sup>3</sup>

WILLIAM NEWMARCH (1820–82), businessman, statistician, and political economist.

- + BESSIE RAYNER PARKES (1829–1925), editor of the *Englishwoman’s Journal* 1858–69.

ELIZABETH PARKES, wife of Joseph Parkes and granddaughter of Joseph Priestley (mother of Bessie Rayner Parkes).

MRS AND MISS PERCY cannot be traced. They may have been relations of Sir Thomas Erskine Perry MP, author of the first Married Women’s Property bill 1856–7, and their names were mistranscribed. However, although Perry married twice, there is no record of any issue.<sup>4</sup>

MR RANKIN AND MISS RANKIN may also be a mistranscription. A Mr W. B. Ranken delivered papers to the 1858 and 1860 congresses on aspects of the aftercare of discharged convicts.

- \* CHARLES RATCLIFF (1822–85), a banker in Birmingham and barrister at Lincoln’s Inn. Active in the reformatory movement.

<sup>2</sup> Frederic Boase, *Modern English Biography*, I, 1384.

<sup>3</sup> Vera Wheatley, *The Life and Work of Harriet Martineau* (London, 1957), 376–7.

<sup>4</sup> *DNB*, xv, 924–6.

++ ELIZABETH JESSER REID (1794–1866), a founder of Bedford College for women, and her sister, ‘MISS STURCH’, were daughters of William Sturch, a Unitarian theologian.

A. H. ROCHE, possibly Antonin Roche (1813–99) who taught French in London from the 1830s. As director of the Educational Institute for Ladies, Sloane Street, London 1853–82, he may have had links with the women who attended the meeting.

\* MR ROCHE, probably E. B. Roche, MP for Co. Cork until April 1855. (If not this Mr. Roche, then perhaps Eugenius Roche, editor of the *Morning Post*, or his son, Henry Philip Roche, who was a barrister and Registrar of the Court of Bankruptcy 1861–75.)

DR JOHN SIMON (1816–1904), physician and sanitary reformer. First Medical Officer of Health for the City of London, 1848. Medical Officer of the General Board of Health 1855–58; of the Privy Council 1858–71; and of the Local Government Board 1871–6.

ANNA SWANWICK (1813–99), translator of Goethe and Schiller, a member of the councils of Queen’s and Bedford Colleges; assisted in the foundation of Girton College, Cambridge and Somerville College, Oxford.

EMILY TAYLOR (1795–1872) wrote popular histories, biographies, and manuals of instruction for children.<sup>5</sup>

# THE REVD SYDNEY TURNER (1814–79), head of the reformatory school of the Philanthropic Society at Red Hill, Surrey, from 1849. Inspector of Reformatories.

SAMUEL WHITBREAD (1830–1915), Liberal MP for Bedford 1852–95.

<sup>5</sup> *DNB*, XIX, 407.

## *Appendix II*

### SOCIAL SCIENCE ASSOCIATION CONGRESSES, 1857-1884

Birmingham	12-17 October 1857
Liverpool	11-16 October 1858
Bradford	10-15 October 1859
Glasgow	24-29 September 1860
Dublin	15-22 August 1861
London	5-14 June 1862
Edinburgh	7-14 October 1863
York	23-29 September 1864
Sheffield	4-11 October 1865
Manchester	3-10 October 1866
Belfast	18-25 September 1867
Birmingham	30 September-7 October 1868
Bristol	29 September-5 October 1869
Newcastle	21-28 September 1870
Leeds	4-11 October 1871
Plymouth	11-18 September 1872
Norwich	1-8 October 1873
Glasgow	30 September-7 October 1874
Brighton	6-13 October 1875
Liverpool	11-18 October 1876
Aberdeen	19-26 September 1877
Cheltenham	23-31 October 1878
Manchester	1-8 October 1879
Edinburgh	6-13 October 1880
Dublin	3-8 October 1881
Nottingham	20-27 September 1882
Huddersfield	3-10 October 1883
Birmingham	17-24 September 1884



### *Appendix III*

#### PRESIDENTS OF THE SOCIAL SCIENCE CONGRESSES, 1857-1884

1857	Lord Brougham
1858	Lord John Russell MP
1859	Earl of Shaftesbury
1860	Lord Brougham
1861	Lord Brougham
1862	Lord Brougham
1863	Lord Brougham
1864	Lord Brougham
1865	Lord Brougham
1866	Earl of Shaftesbury
1867	Lord Dufferin and Clandeboye
1868	Earl of Carnarvon
1869	Sir Stafford Northcote MP
1870	Duke of Northumberland
1871	Sir John Pakington MP
1872	Lord Napier and Ettrick
1873	Lord Houghton (Richard Monckton Milnes)
1874	Earl of Rosebery
1875	Lord Aberdare (Henry Austin Bruce)
1876	Marquess of Huntly
1877	Earl of Aberdeen
1878	Lord Norton
1879	Bishop of Manchester
1880	Lord Reay
1881	Lord O'Hagan (Lord Chancellor of Ireland)
1882	G. W. Hastings MP
1883	Sir Richard Temple
1884	G. J. Shaw-Lefevre MP

*Appendix IV*  
*Departmental presidents, 1857–1884*

JURISPRUDENCE AND AMENDMENT OF THE LAW

1857	Lord John Russell MP
1858	Joseph Napier (Lord Chancellor of Ireland)
1859	Vice-Chancellor Sir W. Page Wood
1860	James Moncreiff (Lord Advocate for Scotland)
1861	Joseph Napier
1862	Sir Fitzroy Kelly MP
1863	Lord Curriehill
1864	Sir James Wilde
1865	Sir Robert Phillimore
1866	George Denman MP
1867	Mr Justice O'Hagan
1868	W. N. Massey
1869	G. W. Hastings
1870	Lord Neaves
1871	W. Vernon Harcourt MP
1872	Sir John Duke Coleridge MP
1873	Joseph Brown
1874	James Moncreiff MP
1875	Sir Edward Creasy
1876	Farrer Herschell MP
1877	Lord Gifford
1878	Alexander E. Miller
1879	Sir Travers Twiss
1880	John McLaren MP (Lord Advocate for Scotland)
1881	J. T. Ball
1882	Henry Fox Bristowe
1883	William Barber
1884	John Westlake

## EDUCATION

1857	Sir John Pakington
1858	William Cowper MP
1859	C. B. Adderley MP
1860	Sir James Kay-Shuttleworth
1861	Sir John George Shaw Lefevre
1862	Dean of St Paul's (Dr Milman)
1863	Nassau Senior
1864	Archbishop of York
1865	Thomas Chambers MP
1866	Henry Austin Bruce MP
1867	Thomas Andrews
1868	Lord Lyttelton
1869	Charles Kingsley
1870	Lyon Playfair MP
1871	Edward Baines MP
1872	G. W. Hastings
1873	Prof. W. B. Hodgson
1874	Lord Napier and Ettrick
1875	Sir Charles Reed
1876	Mark Pattison
1877	Lord Young
1878	George Brodrick
1879	Lyulph Stanley MP
1880	Lord Balfour of Burleigh
1881	Sir Patrick Keenan
1882	William Woodall MP
1883	Francis S. Powell
1884	Oscar Browning

## PUBLIC HEALTH

1857	Lord Stanley MP
1858	Earl of Shaftesbury
1859	William Cowper MP
1860	Viscount Ebrington
1861	Lord Talbot de Malahide
1862	William Fairbairn, LLD, FRS
1863	Prof. Christison, MD
1864	Sir Charles Hastings, MD, DCL

1865	Edwin Lankester, MD, FRS
1866	William Farr, MD, FRS
1867	Sir James Simpson, MD, FRS
1868	Henry W. Rumsey, MD
1869	John A. Symonds, MD, FRS
1870	Robert Rawlinson, CE, CB
1871	George Godwin, FRS
1872	Henry Acland, MD, DCL, FRS
1873	Capt. Douglas Galton, CB, FRS
1874	Lyon Playfair MP
1875	Benjamin Richardson, MD, FRS
1876	Thomas Hawksley, CE
1877	Edwin Chadwick
1878	W. H. Michael, QC, FCS
1879	Francis S. Powell
1880	John Beddoe, MD, FRS
1881	Charles Cameron, MD, LLD, MP
1882	Sir Rutherford Alcock
1883	T. Pridgin Teale, MB, FRCS
1884	Norman Chevers, MD, FRCS

SOCIAL ECONOMY (1857-63)/ECONOMY  
AND TRADE (1864-1884)

1857	Sir Benjamin Brodie, MD, FRS
1858	Sir James Stephen
1859	Sir James Kay-Shuttleworth
1860	Sir James Emerson Tennent
1861	Judge Longfield, LLD
1862	Richard Monckton Milnes MP
1863	Sir John McNeill
1864	Edwin Chadwick
1865	Edwin Chadwick
1866	Sir James Kay-Shuttleworth
1867	Sir Robert Kane, FRS
1868	Prof. Henry Fawcett
1869	Stephen Cave MP
1870	Sir William Armstrong
1871	William Newmarch
1872	Sir John Bowring

1873	Thomas Brassey MP
1874	Sir George Campbell
1875	M. E. Grant Duff MP
1876	G. J. Shaw-Lefevre MP
1877	James Caird, FRS
1878	Prof. Bonamy Price
1879	Lord Reay
1880	Sir Ughtred Kay-Shuttleworth
1881	Goldwin Smith
1882	Prof. Bonamy Price
1883	J. E. Thorold Rogers MP
1884	Viscount Lymington MP

PUNISHMENT AND REFORMATION (1857-1863)

1857	Bishop of London, A. C. Tait* (duties divided between Matthew Davenport Hill and C. B. Adderley MP)
1858	Earl of Carlisle
1859	Richard Monckton Milnes
1860	Arthur Kinnaid MP
1861	Thomas O'Hagan (Attorney General for Ireland)
1862	Thomas Chambers
1863	Lord Neaves

(From 1864 the Department of Punishment and Reformation was incorporated with Jurisprudence and Amendment of the Law)

TRADE AND INTERNATIONAL LAW (1861-1863)

1861	Prof. Michel Chevalier
1862	Travers Twiss
1863	Judge Longfield, LL.D.

(From 1864 the subjects of the Department of Trade and International Law were divided between Jurisprudence and Amendment of the Law and Economy and Trade)

ART (1876-1884)

1876	E. J. Ponter, ARA
1877	Lord Ronald Gower
1878	T. Gambier Parry

1879	Sir Coutts Lindsay
1880	Prof. W. B. Richmond
1881	Viscount Powerscourt
1882	George Aitchison, ARA
1883	Sir Rupert A. Kettle
1884	A. J. B. Beresford-Hope MP

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*Morning Herald*  
*Morning Post*  
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## UNPUBLISHED DISSERTATIONS

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