

## REVIEWS.

*Das englische Armenwesen in seiner historischen Entwicklung und in seiner heutigen Gestalt.* Von Dr. P. F. ASCHROTT, Gerichts-Assessor in Berlin. [Staats- und socialwissenschaftliche Forschungen, herausgegeben von Gustav Schmoller, V, 4.] 1886. — 450 pp.

*Die deutsche Armengesetzgebung und das Material zu ihrer Reform.* Von Dr. EMIL MÜNSTERBERG, Gerichts-Assessor in Berlin. [Staats- und socialwissenschaftliche Forschungen, herausgegeben von Gustav Schmoller, VI, 4.] 1887. — 570 pp.

Professor Schmoller has rendered a great service to all who are interested in poor laws by publishing these two valuable treatises in his *Forschungen*. Dr. Aschrott's book is the most complete treatment of the English poor law since Sir George Nicholls' history, published in 1854, while Dr. Münsterberg's book is a still more thorough and detailed investigation of certain phases of the German poor laws.

The scope of the two books, as indicated by the titles, is somewhat different. Dr. Aschrott has aimed to give an objective, impartial view of the English poor law and its development. It is only in exceptional cases that he makes any criticisms or suggestions of his own. Dr. Münsterberg, on the other hand, is critical throughout, and devotes more than a third of his space to a discussion of the various plans that have been recently proposed for the reform of the law.

Dr. Aschrott has followed for the English poor law the method adopted by Professor Gneist for the treatment of the general administration in the earlier editions of his *Englisches Verwaltungsrecht*; that is to say, he first gives an historical account of the gradual development of the present law, and then treats systematically of the law in its present condition. There is, therefore, a certain amount of repetition in the book. In many cases the contents of the same act are summarized in both parts. This, however, is not a blemish, for it adds greatly to the clearness of the treatment. In the historical part very little space is given to English legislation before the act of the 43d of Elizabeth. This whole subject is, in fact, treated so fully by Sir George Nicholls that a repetition in the present work was unnecessary, and the author was able to give more attention to recent legislation.

The history of the English poor law has that peculiar fascination which attaches to the history of all English institutions, in that legislation

proceeded slowly on the basis of experience, so that the institutions of any one period represent the result of a gradual development which can be traced step by step in history. Even the great poor law of Elizabeth, which is generally considered the starting point of English pauper legislation, had the way prepared for it by a series of laws beginning in the reign of Henry VIII. This law was as remarkable for what it omitted as for what it contained. The strict suppression of vagabonds by brute force, which had been so prominent a feature of earlier legislation, was entirely left out of account in the poor law of 1601. This law provided, instead of that, measures for counteracting the causes of pauperism. Children were to be apprenticed; those who were able to work were to be set at work, and those who were unable were to be supported by the parish. This law made as yet no provision for what has been since regarded as one of the most characteristic features of the English system, *i.e.* the English workhouse; but it laid down the general principles of relief which, in spite of many modifications of detail, are still adhered to. The workhouse was first brought up for public discussion in 1646, and first established with the sanction of the law in 1697 in Bristol. In 1723 a general permission was given to introduce workhouses in all of the parishes. During the last century the strict administration of the law, as instituted by Elizabeth, was largely departed from. The view came to prevail that all persons who were poor, whether destitute or not, were entitled to relief, and the Gilbert act of 1782, though containing many excellent provisions, soon led to the adoption of the allowance system, under which men earning low wages received a supplement from the rates. This humanitarian tendency was so strong that even a statesman like William Pitt committed himself to the proposition that every poor person should be provided with a cow or a pig or some other useful domestic animal, and it was only after the sharp criticisms passed upon this bill by Jeremy Bentham that it was withdrawn.

The costly abuses that resulted from this kind of legislation were reformed by the law of 1834, which marks a turning-point in English legislation. It was distinctly laid down at that time as a fundamental principle, "That the condition of the pauper ought to be on the whole less eligible than that of the independent laborer." As a result the rule has been that relief to the able-bodied should only be given, unless in exceptional cases, in the workhouse, and that only the infirm should be relieved in their dwellings.

This law of 1834 also introduced an important feature into the administration by the creation of a central Poor-Law board. This was originally a merely provisional arrangement, and the commissioners were to exercise their functions for but five years. They were continued, however, at the expiration of that term, and some central authority has

thus always been retained. In 1847 the Poor-Law board was enlarged, and some of its members allowed to sit in Parliament. It thus became an integral part of the English administrative system, and in 1871 its powers were entrusted to the new Local Government board.

The changes that have been made in the administration of the English poor law during the past twenty-five years have been mainly in the direction of greater specialization. The workhouse has no longer been considered the sovereign remedy for all forms of pauperism; the laws have gradually eliminated from it (1) the children, to whom the surroundings were most detrimental; (2) the sick, who could not receive such care as they ought to have excepting in an hospital; and (3) the so-called "casual paupers," or tramps, for whom special "casual wards" have been instituted.

The English poor law, as it exists at the present day, recognizes the duty of the local subdivisions of the state to care for their poor. The unit, however, is no longer the parish, as formerly, but the union; and in the metropolis special arrangements have been made, particularly through the creation of the Metropolitan Common Poor fund, in order to distribute the burden of relief over a larger territory and to prevent the poorer divisions from being overcharged. Those who are entitled to relief are the destitute only, and the rule is that it shall be given as far as possible in a workhouse rather than to the pauper directly, and that where given directly it shall be given in the form of supplies or medicines rather than in the form of money. This principle, however, is applied with a good deal of elasticity, and the extent to which it is carried out depends largely upon the ideas of the local authorities.

The administration is more centralized, probably, than that of any other country of Europe. The Local Government board watches carefully, through its inspectors, the action of the local authorities. These local authorities consist of the guardians, the overseers, and the relieving officers. The peculiar combination of paid and unpaid officers which is seen in so many English institutions is carried out here. The guardians, who have the chief authority with regard to granting relief, and the overseers, whose duties are now mainly confined to assessing the poor rates, are unpaid officers. The relieving officer—that is to say, the person to whom applications are made by the poor—and the clerk of the board of guardians receive salaries. Dr. Aschrott regards this arrangement as eminently practical and satisfactory, and on the whole, considers the English poor law as a model, though criticizing somewhat its treatment of casual paupers, and other details.

The question of settlement, which first came up through the enactment of the law of 1662, has lost much of its former importance by the combination of parishes into unions, and by the erection of county

asylums and hospitals. The individual parishes are, therefore, no longer under the constant temptation of closing their gates against new-comers lest they should become a charge upon the rates.

In this respect England is to be greatly congratulated, for it is this very question of settlement, involving, as it does, the fruitful topics of *Freizügigkeit* and *Unterstützungswohnsitz*, which is still the burning question in Germany at the present day. In fact, Dr. Münsterberg's book might be characterized as an elaborate and learned discussion of this one topic.

The formation of the North German confederation, in 1867, resulted in the passage of two important laws. The constitution had already provided for common German citizenship, so that a citizen of one of the confederated states was not to be treated as a foreigner in any of the other states. This principle was put into practical execution by means of the *Freizügigkeitsgesetz* of November 1, 1867, and the *Unterstützungswohnsitzgesetz* of June 6, 1870. The former gave every citizen of the confederation the right to settle in any place in which he had a dwelling or was able to obtain one, leaving, however, the existing laws in force with regard to the settlement of convicts and vagrants. The township, under this law, is allowed to prevent the settlement of a person only in case it can prove that he has not the means to support himself and his dependent relatives, or that he cannot obtain such support from some relative who is legally obliged to give it. No town can refuse settlement to a person on account of the fear of future destitution.

More important was the law of settlement which was adopted after a very thorough discussion in 1870. According to this law, every citizen of the German confederation is to be treated in every state like the citizens of that state with regard to public relief; this relief is given either by local territorial units (*Ortsarmenverbände*), or by larger districts (*Landarmenverbände*); a settlement can be obtained either by marriage, birth, or residence; whoever lives in a place for two consecutive years after his twenty-fourth year without becoming a public charge, acquires a settlement, and this settlement is lost either by the acquisition of a new settlement or by an uninterrupted absence of two years.

The cost of caring for the poor is to be borne by the place of settlement, if the pauper has a settlement, but if not, by the Landarmenverband in whose territory he happens to be at the time of his destitution. The Ortsarmenverbände are made up either of one or several towns. The formation of the Landarmenverbände had to be left to the action of the individual states composing the empire on account of the differences existing in their systems of local government. Thus we find that in some the state itself constitutes the Landarmenverband, while in others, one or more of the previously existing territorial subdivisions, such as

provinces, districts, *etc.*, are utilized for this purpose. In fact, the imperial legislation leaves almost all of the details of relief to the individual states.

Upon the formation of the German empire, both of these laws were incorporated into its legislation; but some of the new territories which were joined to the confederation to make the empire had systems of settlement so different from those prevailing in the states of the confederation that it was impossible to subject them to the new legislation. The consequence is that both Bavaria and Alsace-Lorraine were excepted from the operation of the law of settlement. There is thus no uniform system for the whole of the empire, but there are really four systems: (1) the German system, as already explained in connection with the law of 1870; (2) the Bavarian system; (3) the system of Alsace and Lorraine, *i.e.* the voluntary system which they brought from France; and (4) the system of the Bavarian Palatinate, which differs in some minor points from that of Bavaria proper.

The discussion of proposed measures of reform takes up over 200 pages of the book, and contains much valuable matter. These proposals are, as might be supposed, very various as well as numerous. Some advocate giving the entire care of the poor to the state as distinguished from the local authorities. Others would return to the system of *Heimath* as it exists in Bavaria, thus enlarging the importance of local action. Others, again, while leaving the care of the poor in the hands of local authorities, would make the territorial divisions larger than they are, grouping a number of the present units together, somewhat as the parishes are grouped in unions in England. Others favor the exercise of greater coercion, both as against the individual paupers, in order to force them to work, and as against the local authorities, in order to force them to do their duty, and prevent the practice of *Abschiebung*, *i.e.* "shunting off" their paupers upon other communities. In addition to these important and fundamental proposals there have been numerous plans for changing some of the details of the present administration. Without going into further particulars, it may be said that the author praises, on the whole, the present system, though acknowledging that in some of its details it might possibly be improved.

The discussion of these questions is conducted in a broad spirit, and is fortified with illustrations drawn from the experience of many nations. Many of the points treated are of considerable interest to Americans, because the practical problems that confront us are so similar to those that are being debated in Germany. The foreign reader cannot, however, lay down the book without a feeling of regret that the author did not choose to give a more concrete and specific account of some of the interesting features of German poor-relief, rather than to discuss

questions of principle with such very great fulness. Thus it is only incidentally that mention is made of the Elberfeld system; and many other of the details of the administration are only to be found scattered through the foot-notes. Fortunately, the author has provided us to a certain extent with the facilities for seeking information elsewhere. The work contains a very full bibliography, lucidly arranged, and is also equipped with what is always a pleasant surprise in a German book — an alphabetical index.

HENRY W. FARNAM.

*An Inquiry into Socialism.* By THOMAS KIRKUP. Longmans, Greene & Co., London and New York, 1887. — 188 pp.

This book furnishes another indication of the hold which democratic and semi-socialistic opinions are obtaining in England. Its author wrote the historical article on socialism in the last edition of the *Encyclopædia Britannica*. In the essay before us he aims "to bring out what is fundamental in socialism, both as contrasted with the prevailing social system and with theories for which it is usually mistaken." He defines socialism to be "democracy in politics; unselfishness, altruism in Christian ethics; in economics the principle of co-operation or association." Or again:

The theory of socialism therefore is that the present economic order . . . must and ought to pass away; and that it will give place to an economic system in which industry will be conducted with a collective capital and by associated labor, with a view to an equitable system of distribution.

These definitions show that the author has attained a breadth of view necessary to an impartial treatment of the subject. This Mr. Kirkup has, on the whole, succeeded in giving us. It is at least more satisfactory than any other attempt yet made in English. He is certainly right in not regarding the modern socialist movement as an organized conspiracy for the destruction of all that is best in existing civilization. It is rather a necessary growth from the moral, industrial, and political conditions of the present. It is not a manifestation of human folly and depravity, but a factor in a great process of social evolution. Mr. Kirkup shows this by briefly reviewing the growth of socialistic ideas since the first French revolution, and by showing how they have been the necessary accompaniments of the modern industrial system. He believes that none of the really valuable institutions of society are imperilled by it, neither the family, the church, nor the right of property. On the other hand it seems to him probable that the ethical