

Deserving of Charity or Deserving of Better?  
The Continuing Legacy of the 1834 Poor Law Amendment Act for Britain's Deaf  
Population

Dr. Martin Atherton  
University of Central Lancashire

**Abstract:** This study will outline how deaf people in Britain were treated under the 1834 Poor Law Amendment Act and will argue that attitudes towards their abilities established by and in response to the New Poor Law continue to influence social policy provision and the employability of deaf people to this day.

**Key Words:** charity, deaf, voluntary welfare

### Introduction

As we reach the end of the first decade of the twenty-first century, it might be considered that employment opportunities for deaf people in the United Kingdom have never been greater. Laws protecting deaf people against discrimination in the provision of education, services and work would seem to help promote their employment prospects. However, statistics provided by two of the major UK welfare organisations for deaf people indicate that deaf people are still significantly disadvantaged in the workplace. These figures will be explored in more detail later in this study but two examples support the contention that deaf people are still un- and under-employed in comparison to their hearing contemporaries. In 2006, the Royal Institute for Deaf People (RNID) found that only 63% of British deaf people were in work, compared to 75% of the general population, whilst the Scottish Council on Deafness (SCoD) found that 70% of deaf people in Scotland felt that job applications had been unsuccessful because of their deafness (Royal National Institute for Deaf People, 2006; Scottish Council on Deafness, 2010). So why does the legislation not appear to be working?

One reason might be the nature of the laws enshrining deaf people's rights – all of which are linked to the notion of deafness as a disability. Funding introduced as a result of anti-discriminatory legislation, such as Disabled Students Allowance, Disability Working Allowance, and Access to Work all promote the rights of deaf people in terms of addressing disability issues. The various legislative measures only serve to highlight the apparent shortcomings of deaf people as effective workers, by emphasising the need for potential employers to adjust or amend working practices to accommodate deaf employees. The legal requirement to do so and the policies put in place to support and enforce these rights all serve to perpetuate popular perceptions of deaf people as incomplete and therefore worthy of preferential treatment in order to make them productive members of society. The precise impacts of such attitudes on deaf people's contemporary employment prospects, discussed later in this article, often clash with the political aspirations of deaf people themselves, especially sign language users (see, for example, Corker, 1998; Finkelstein, 1991; Ladd, 2003).

So how did these negative perceptions of deaf workers gain a hold in the popular understanding of deafness and find expression in British legislation and social policy? The contention of this study is that deaf people in Britain became the innocent victims of changes in manufacturing industry during the eighteenth and nineteenth centuries, and these changes gave rise to governmental responses to poverty and poor relief (Rose, 1972; Englander, 1998). In particular, it will be argued that the effects of the 1834 Poor Law Amendment Act not only continues to influence British social policy towards poor and unemployed people but the effects of this legislation have determined the status of deaf people and affects their employment prospects to the present day.

The 1834 Poor Law Amendment Act was a watershed in institutionalising official attitudes towards poor and needy people in the United Kingdom, particularly in terms of establishing who was deemed worthy of support from state welfare provision. By extending existing notions of paupers as deserving or undeserving as the basis for receiving poor relief, and by running workhouses on the principle of “less eligibility,” the enduring political agenda for social welfare was established. This, in turn, influenced attitudes towards employability and acceptable unemployment amongst the deserving poor, who were seen as the innocent victims of physical and mental conditions that rendered them unsuitable for work and therefore worthy of state support (Rose, 1972). Consequently, a number of philanthropic organisations were established during the nineteenth century and many of these voluntary welfare bodies were established to offer an alternative to the workhouse (Shapely, 2000; Dimmock, 2001).

Although the Act and its provisions made no specific provision for deaf people, there were to be detrimental consequences for deaf paupers, particularly those legally categorised as “deaf and dumb.” Despite deafness of itself resulting in few – if any – physical restrictions on deaf people’s ability to work and maintain themselves, many deaf people were unemployed and so found themselves subjected to the rigors of the workhouse (Dimmock, 2001). This resulted in strenuous efforts being made to offer deaf people an alternative to state welfare based on voluntary charitable provision. However, whilst organisations such as the Association in Aid of the Deaf and Dumb (founded in 1841 as a direct consequence of deaf people being placed in workhouses) provided training, they did nothing to broaden outlooks on the types of work and trades at which deaf people could succeed.

#### Poor Relief in England Prior to 1834

The duty of local authorities to care for the poor people in their area was first codified nationally under the rule of Elizabeth I, when Britain had a predominantly rural economy (Boyer, 1990). The 1601 Poor Law formalised a series of earlier measures into one coherent system, under which parishes were obliged to provide poor relief for paupers in their area through Poor Law Boards made up of local ratepayers (King, 2000). This Act brought in an important determining factor which underpins welfare provision in Britain to this day: the notion of there being deserving and undeserving poor. The distinction was a simple one: those who were unable to work through no fault of their own – for example the old, infirm, widows and children – were deserving, as were those who found themselves temporarily out of work due to the cyclical nature of the rural

economy, with its peaks and troughs of employment needs (Lees, 1998). This latter grouping would be found work by the parish, in return for which they received support in the form of money, food, or fuel. On the other hand, those who were capable of working but chose not to do so were regarded as undeserving and were ineligible for support unless they too performed some form of work in return for poor relief (Englander, 1998).

Most support was given as outdoor relief, which allowed claimants to continue to live in their own homes; workhouses were also established but these were to be used only as a last resort. The poor law system thus established remained in place for over two hundred years, with various amendments and alterations being introduced at regular intervals (King, 2000). Two of the most important of these were enacted by Poor Law reformers Sir Edward Knatchbull in 1723 and Thomas Gilbert in 1782. Knatchbull's Act introduced the first formal workhouse test and required claimants to reside in the workhouse, where they had to perform work in return for shelter and food (Rose, 1972). Having to enter the workhouse to receive relief became a form of punishment for the undeserving poor, as the new rules imposed compulsory labour and residence in the workhouse on those unwilling to support themselves. Gilbert's Act of 1782 returned a more benevolent function to workhouses, by restricting admission to those deserving poor who were unable to look after themselves. All others were to be eligible only for outdoor relief, but both Acts did not compel the Poor Law Boards to follow these practices; they merely provided a framework for those who chose to adopt them (King, 2000).

During the late eighteenth and early nineteenth centuries, Britain moved from a predominantly agricultural economy to one that was increasingly industrialised and mechanised. One consequence of this shift was that the existing system of poor relief, which had developed to meet the needs of rural workers, proved inadequate to meet the demands of the rapidly expanding urban populations who serviced the new industries (Rose, 1972). The Poor Law in force at the time was seen to discourage the indolent poor from seeking work, and a series of trade depressions in the years around 1800 further increased pressure on the system (Lees, 1998). A major revision of poor relief was needed and this was introduced in 1834 through the Poor Law Amendment Act. Commonly known as "the New Poor Law," the 1834 Act introduced the principle of "less eligibility," which resulted in a much less flexible method of providing poor relief than had applied before. The term "less eligibility" is in many ways a misleading one, as it refers to the underlying philosophy of making workhouses the absolute last refuge of the most desperate poor. Rather than setting stricter rules on who was eligible to claim poor relief, in practical terms "less eligibility" meant dissuading as many people as possible from choosing to enter the workhouse. This was achieved in various ways: by providing support at a level that was less than could be obtained by taking the lowest paid, locally available work; by making claimants reside in the workhouse; and by ensuring that life in the workhouse was unpleasant and undesirable. Couples were separated and often only met for a brief period each Sunday, and all aspects of life in the workhouse were strictly regulated. Inmates were expected to provide various services which produced an income to pay for the assistance they received. These were often tedious and repetitive jobs such as washing and dyeing old clothes for inmates to wear and picking apart old ropes to provide the raw materials to make new ones. Children were often hired out to local

factories and their meager wages paid to the workhouse overseers. In effect, all but the most incapacitated of workhouse inmates had to earn their keep. All this was meant to ensure that only those who were genuinely unable to support themselves or their families would claim poor relief and so reduce the burden on those who had to fund the system of poor relief (Englander, 1998).

As they had been under Knatchbull's Act, workhouses once again acted as a deterrent for the undeserving poor, whose status was determined by whether they were regarded as impotent or able-bodied. The impotent poor fell into one of five categories: children, the sick, the insane, defectives, and the aged and infirm (Wright, 2000). Michael Oliver (1990) contends that anyone who did not come under one or more of these headings was consequently classified as able-bodied; however Michael Rose (1972) has suggested that in practice all adult paupers between the ages of 16 and 70 were automatically regarded as able-bodied unless they were permanently incapacitated in some way. So, entering the workhouse was generally the only form of support available to paupers, where all were subjected to the same strict regime. Husbands and wives often found themselves living in different parts of the workhouses, only meeting for brief periods on Sundays. Those who were deemed able to work had to perform various tasks in return for their upkeep, with a typical ten hour working day beginning at 5.00 am and ending with bed at 8.00 pm. Whilst food was provided, this was at little more than subsistence level (Gash, 1973). Thus the punishment of the indolent poor was extended to all those unfortunate enough to have no other option than the workhouse.

#### The Consequences of the 1834 Poor Law Amendment Act for Deaf People

Where did this change in the law leave deaf people? Records such as the ten yearly census returns (introduced in 1841) and the 1861 *National Index of Paupers* indicate they could find themselves forced into the workhouses after 1834 (The UK & Ireland Genealogical Information Service, 1997). Whether they were admitted as deserving or undeserving poor is unclear and remains open to some debate. On the one hand, their deafness (particularly for those officially classified as "deaf and dumb"), coupled with historical perceptions of deafness as a handicap or impairment (Grant, 1990), suggests they might have been regarded as impotent and therefore deserving. However, in practical terms, deafness would appear to present no barrier to performing any number of useful and productive jobs, so a more equal – but ultimately harsher – interpretation might have seen them classed as indolent and therefore undeserving. Given that indolence was seen to arise from a moral defect rather than a physical condition (King, 2000), it is more likely that deaf people were accepted into workhouses as deserving poor, with their deafness classifying them as impotent in employment terms. Either way, this was seen as a situation that needed to be addressed. A number of voluntary welfare bodies emerged in the aftermath of the New Poor Law to provide deaf people with a means to avoid entering the workhouses (Dimmock, 2001). It is perhaps no coincidence that these local organisations (the first of which appeared in Scotland around 1820) grew in number after 1834 (Lysons, 1991).

The first large scale welfare body for deaf people was established with the declared purpose of rescuing deaf people out of the workhouses by providing skills and

trades through which they could find work and support themselves (Dimmock, 2001). The Institution for Providing Employment, Relief, and Religious Instruction for the Deaf and Dumb was founded in London in 1841, later changing its title to The Royal Association in Aid of Deaf People (RAD). Formed as a charitable organisation, the RAD set up missions across south-east England to provide training in various trades such as printing, bookbinding, and shoemaking for men, followed later by dressmaking and needlework for women. Two important factors in the RAD's work were to influence both voluntary support for deaf people and government attitudes towards deaf people's employability and social policy provision (Dimmock, 2001).

Firstly, the RAD was allowed to register as a charity, thus explicitly and implicitly identifying deaf people as the worthy recipients of charitable donations and all that entails in terms of public perceptions. Secondly, Missioners were introduced to provide care and welfare for the deaf people in their area, which included finding work and apprenticeships for deaf people. They also acted as advocates and advisors to deaf people in their areas, as well as providing interpreting between sign language and spoken language for deaf and hearing people (Dimmock, 2001). This role, which was adopted in various forms by all subsequent deaf welfare bodies, established the view that deaf people were unable to deal with various aspects of daily life, such as finding employment, and needed the help of the hearing world. This perspective was based solely on a perception of deafness as a loss or a deficit, which renders deaf people in some way incomplete and therefore unable to function "normally" whether in their working, family or social lives (Finkelstein, 1991).

As a result, deaf people became participants in the process by which they became institutionalised as needing care on the one hand and being worthy of such care on the other. Even the emergence of the British Deaf and Dumb Association in 1890 as the first national organisation of deaf people (now the British Deaf Association – BDA) unwittingly helped to support this vision of deaf people and their perceived lack of abilities (Grant, 1990). The BDA adopted many of the roles and practices of the RAD, including Missioners who acted on behalf of deaf people in finding jobs and accessing services. Although the BDA played a vital role in providing practical help for deaf people, their work was confined within the deaf world and so the image of deaf people being unable to cope with daily life was not challenged in the public domain. Many deaf people preferred to rely on their Missioners to find them work and provide welfare support (Grant, 1990). Consequently, both the deaf organisations and the people they serve have helped (even if subconsciously) to perpetuate the notion that deafness is sufficient reason to regard someone as deserving of charity, as defined in Poor Law legislation dating back to 1601.

### The Continuing Effects for Deaf People

In the early years of the twenty-first century, the legislation that protects deaf people's rights in all aspects of life explicitly describes deafness in terms of disability. The 1995 Disability Discrimination Act helped codify disabled people's rights in employment and access to services, with deafness included in the Act's definition of disability (DirectGov, 2010). Deaf people are also eligible to apply for Disabled Living

Allowance and Disabled Working Allowance (both introduced in 1992), whilst the costs of providing equipment such as text phones and human support (interpreters, note takers, etc.) to allow deaf people to work alongside hearing colleagues is provided through the Access to Work (ATW) scheme. ATW funding is explicitly intended to support disabled people in the workplace, through the provision of any technological or human assistance that may be required (DirectGov, 2010a). The Equality Acts of 2006 and 2010 further strengthen the rights of disabled people in all areas of life and again include employment and service provision for deaf people (DirectGov, 2010b). Equality legislation implies inequality as its starting point and seeks to address these differences in a positive and affirmative way. Indeed, it is now mandatory for all disabled people to be assessed on their ability to work, rather than their inabilities (Woolfe, 2004).

However, this legislation also emphasises to potential employers the ways in which their business practices may need to change if they employ deaf people. Companies can no longer discriminate against deaf workers if “reasonable adjustments” to working conditions can be made, such as providing alternative technology and human support in the workplace (DirectGov, 2010). Recent changes to Access to Work funding are unfortunately timed, as these now place a greater financial responsibility on employers to fund disabled workers when many businesses are under severe financial stress (DirectGov, 2010a). These changes, which will see employers having to pay up to £1,000 annually towards the costs of supporting a disabled person in the workplace (using such services as note takers and sign language interpreters for meetings and training events), are likely to make deaf employees appear more costly to employ than their hearing colleagues.

Despite all the legal protections for deaf people in the workplace and the range of funding and support available, two recent surveys demonstrated that deaf people are more likely to be unemployed and underemployed than their hearing counterparts. In May 2006, the Royal National Institute for Deaf People (RNID) found that 37% of deaf people of working age were unemployed, compared to 25% of the hearing population (Royal National Institute for Deaf People, 2006). Similar research by the Scottish Council on Deafness (SCoD) found that deaf people were four times more likely to be unemployed than non-disabled people (Scottish Council on Deafness, 2010). Of those deaf people in work, frustration and a lack of fulfillment in their lives appear to be constant factors. Over half of RNID’s contributors felt “they had been held back from promotion or developing their career” whilst three-quarters of the Scottish respondents claimed they were prevented from progressing at work because of their deafness (Royal National Institute for Deaf People, 2006). A third of the RNID sample felt underemployed, as their job failed to make full use of their qualifications, whilst in Scotland over half thought they had “been prevented from pursuing further training or education because of their deafness or lack of communication services” (Scottish Council on Deafness, 2010). Relationships with hearing colleagues also left many respondents feeling unfulfilled and unrewarded, with over 50% of SCoD interviewees unable to communicate with hearing co-workers, whilst the RNID found 75% felt deaf awareness training would improve their working lives. 26% reported they had been harassed at work because of their deafness, despite such action being explicitly addressed by both disability and employment

legislation (Royal National Institute for Deaf People, 2006; Scottish Council on Deafness, 2010).

The RNID survey found deaf people working at all levels in a wide variety of jobs and careers, but for sign language users the options are much more restricted, due mostly to communication barriers (Royal National Institute for Deaf People, 2006). Issues of isolation and lack of opportunity are even more acute for sign language users, for whom access issues and convincing employers of their suitability for a range of jobs involving contact with the general public remain problematic. The lack of deaf people in many areas of work suggests that deaf people are being denied employment opportunities because of what their deafness represents to employers, rather than any inherent lack of skill or ability (Royal National Institute for Deaf People, 2006).

When deaf people do find rewarding employment, Tyron Woolfe (2004) suggests that these opportunities too often arise within a narrow range of jobs and that deaf people themselves are helping to support the notion that they are only capable of doing certain kinds of work. Woolfe argues that many deaf people follow one of three employment options in the United Kingdom: working for deaf organisations, running their own businesses, or on long term social security benefits. He points out that even amongst deaf professionals there is an expectation (both amongst deaf people and from outside) that they will work in deaf fields. Thus, deaf teachers will almost always teach deaf children, deaf counselors will largely work with deaf people, and those with media qualifications will work on deaf-related publications and programmes (Woolfe, 2004).

A similar pattern emerges amongst those deaf people who set up their own businesses (as many as 8% of the RNID survey were self-employed), with Woolfe (2004) claiming they tend to concentrate on providing services solely to other deaf people. By effectively isolating themselves from mainstream work and society, those deaf people who only work with other deaf people help to continue perceptions of deaf people needing to be helped and cared for by others, even when those “others” are themselves deaf. Far from being empowering, deaf people are effectively isolating themselves from mainstream work and society, rather than being fully integrated and accepted as equals. For the third group, the long term benefits claimants, it is here that the consequences of the 1834 Poor Law are most obviously maintained. Assessment of a disabled person’s ability to work only occurs at age 18, whilst benefits can be claimed from age 16 (Woolfe, 2004). By 18, institutional perceptions of deaf people’s employment prospects, coupled with a lack of positive role models, make staying on benefits more attractive than taking a low paid, low status job.

### Conclusion

When the Poor Law Amendment Act was introduced over 175 years ago, it was a response to the demands of a changing industrial and economic environment and was not intended to deal with the particular needs of deaf people. Nevertheless, the unintended and almost certainly unforeseen effects of that legislation are still being felt by deaf people today. Legislation aimed at improving job and career prospects for deaf people is predicated on the perceptions and notions inherent in the New Poor Law and the actions

of various philanthropic bodies in response to the change in poor relief law. Despite the benefits that have accrued for deaf people in recent years, there is still a long way to go before deaf people achieve parity with hearing people in terms of un- and under-employment.

All graduates from UK universities face a difficult job market; the increasing numbers of deaf and signing graduates are finding that taking and gaining a degree only delays problems in finding skilled work and rewarding jobs outside the narrow parameters outlined by Wolfe (2004). The 1834 Poor Law Amendment Act established the idea that deafness, of itself, is sufficient to warrant special – and even charitable – consideration. It is the contention of this paper that the 1834 Act has ultimately helped to establish two underlying principles of social policy which have not served deaf people well in employment terms: “It’s not their fault they are deaf” and the subtly different but no less influential: “It’s not their fault. They are deaf.” The reality of working life for many deaf people in Britain, as demonstrated by the surveys conducted by the Royal National Institute for Deaf People (2006) and the Scottish Council on Deafness (2010), is that deaf people will at best work in a financially and emotionally unrewarding job, with little or no social contact with their hearing colleagues. This is then likely to be compounded by little prospect of promotion or realistic opportunities for positive career choices. For unemployed deaf people, the prospects are even bleaker, with a life on social security benefits making more financial sense than taking an unskilled, low paid job. All deaf people in the UK now have rights under employment law and benefits legislation that are intended to end discrimination but these are predicated on notions of deafness as a disability. As a result, the changes to the Poor Law that occurred two centuries earlier continue to influence portrayals of deaf people as being worthy of charity rather than useful and productive members of society.

**Dr. Martin Atherton** is Course Leader for Deaf Studies at the University of Central Lancashire, Preston, UK. He is also Treasurer of the Disability History Group of the UK and Europe, for whom he organised the 2010 conference 'Disability history: looking forward to a better past'.

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