

From Poor Laws to Pensions: The Evolution of Economic Support for the Aged in England and America

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IN THE YEAR 1644, THE TOWNSHIP OF PORTSMOUTH, Rhode Island, delegated the care of “ould John Mott” to the town overseers. The overseers arranged for a caretaker who would provide for his “diett and washing” in exchange for 5s per week. These arrangements were made in spite of the fact that John Mott had a son. Rather than caring for his father personally, the son agreed to pay “A Cowe for ever and 5 bushels of Corne by the yeare so longe as the ould man shall live . . . that so he might be dischargd from any further Chardge” (Creech 1936). Old John Mott was clearly not self-reliant, and his son, while not abandoning his father entirely, relegated his care to members of the town, thus discharging himself from any further responsibility.

The case of John Mott is not unique, not some historical anomaly that can be readily explained away. Yet a common theme among contemporary writers is that old age dependency was not a problem until the late nineteenth century and that older people either worked or were cared for by family, friends, or charity.¹ These conclusions,

¹Several writers coming from such diverse perspectives as modernization theory or Marxist political economy pursue this theme. For a general statement, see Rothman (1971). For specific statements on the security of the aged in the past, see Olson (1982) and Achenbaum (1983).

while understandable given the lack of detailed information regarding either the extent or adequacy of support for older people in the past,² are curious in their romanticism, and perhaps reflect more the views of twentieth-century reformers, haunted by the discovery of old age pauperism, than of actual research findings. Given the existing evidence of old-age dependency from the earliest years of the colonial period, it seems apparent that no generalizations about the adequacy of care for the dependent aged in the past should be made without some more detailed attention being directed toward the history of old-age security and the care provided older people under the poor law.

Throughout the past 400 years, old-age security has been transformed from a locally financed and administered system of care to a massive, bureaucratic, national program of income maintenance. Yet, as we shall see, some of the same conflicts over eligibility for aid that threatened the sense of community in the colonial era are still present in contemporary programs for the aged. In this paper I will trace the development of various forms of economic support for older people, beginning with those that evolved from the English Poor Law, showing how poor law precedents were maintained in welfare policy even when welfare became a national rather than just a local issue.

The English Poor Law

The first English poor relief laws, which date back to 1535 (around the time of the decline of the monasteries), were concerned primarily with providing modes of punishment for beggars who increased as the number of landless laborers and cottagers rose. The Elizabethan Poor Law of 1601 represented a major turning point in the history of welfare in that it recognized state responsibility for the indigent. It distinguished between the able-bodied and the impotent poor and declared that it was the duty of the community to help the individuals who could not help themselves. Further, every citizen enjoying the

² Demos (1978) asserts that "many elderly New Englanders retained a substantial capacity for work, for public service, for ordinary forms of social intercourse." Yet much of his evidence could have more negative connotations. He cites numerous examples of older people performing arduous, probably part-time tasks, such as mowing salt water grass or hauling grist to the local mill, and he also finds that it was common for older men to withdraw from public office.

advantages of government was obliged to contribute to the relief of those in distress by payment of a compulsory tax levied by each parish for the care of its own poor, the first public tax ever levied for that purpose. While charging kin with responsibility for the care of their aged parents and grandparents, the law also recognized that this duty might not be fulfilled. Thus, it provided for the establishment of "convenient dwellings" for the old and infirm, whereas workhouses were to be built for the able-bodied poor.

A later addition to the poor law was the Act of Settlement of 1662, which required every person to have a settled domicile within 40 days and be enrolled in some fixed community. Each recent settlement cancelled a previous one, and paupers who could not prove settlement in a given community were often sent off to other areas where they or perhaps some relative had established settlement. Instead of simplifying administration, the settlement acts only increased the problems of administering the poor law, as administrators and poor relief recipients attempted to determine settlements (Quadagno 1982).

The hallmark of the poor law was local autonomy, and by 1832 the poor law was administered through 15,000 independent parishes. Gradually, due to a series of abuses and inequities in the assessment of the rates, pressures for reform arose. In 1834 a bill for the amendment of the poor law was brought before Parliament. After extensive debate, it was passed with overwhelming support. The key philosophical issue was how to return "able-bodied" paupers to a condition of economic and moral independence. This was accomplished by implementing the twin principles of the "workhouse test" and "less eligibility." The term "less eligibility" referred to the belief that the condition of the pauper relieved should be worse than the condition of the poorest, independent, self-supporting laborer. Outdoor relief was to be reduced, and the "able-bodied" poor were to be incarcerated in workhouses. In order to apply this policy on a uniform basis throughout the country, a permanent central authority, the Poor Law Commission, was established to direct the system. Independent parishes were to be consolidated into unions, and relief was to be administered by relieving officers under the direction of an elected board of guardians.

Although poverty was generally considered an indication of individual failure, calling for rebuke and stern treatment, the philosophy toward relief to the aged was somewhat more ameliorative. The report of 1834 concluded, "We find that even in places distinguished in general

by the most wanton parochial profusion, the allowances to the aged and infirm are moderate" (quoted in Quadagno 1982). While some argued that continued support of the aged by the parish would further erode familial ties, the commission determined that parish support for the aged was necessary because the English working classes were totally deficient in natural filial affection. Thus, it became general policy to continue to allow small amounts of out-relief to the aged without specific concern about pressuring children to contribute (Webb and Webb 1909).

In 1847 the Poor Law Commission became the Poor Law Board, and this board was subsequently absorbed into the new Local Government Board in 1871. The Local Government Board's jurisdiction encompassed the poor law under a broader spectrum of social support, usurping local authority further and placing poor law administration more clearly under the jurisdiction of the central government.

Almost immediately after its creation, the Local Government Board and its inspectorate launched a campaign against outdoor relief in an attempt to return the poor law to the principles of 1834. The 1871 "Circular on Outdoor Relief," which was one of the first policy recommendations of the Local Government Board in regard to the poor law, condemned the out-relief system and suggested that all applications for relief be more carefully scrutinized with an increased reliance on the workhouse as a test of destitution. New stress was placed on getting contributions from kin, for it was implied that if the aged were confronted with the workhouse, their relatives would come forward and maintain them (Webb and Webb 1910).

The circular was accompanied by an administrative change that emphasized implementing deliberate policy rather than allowing decisions about relief to be dependent on temporary statutes and whims of local authorities. Steady pressure was placed on boards of guardians to reduce out-relief in spite of the fact that the sick and aged made up at least half and perhaps as much as three-quarters of the adult population receiving out-relief.³ There was increased concern with record-keeping, and tables showing the amount of relief given by

³ Although Poor Law returns were not tabulated by age until 1890, there was a separate category termed "aged and infirm." According to the Poor Law Commission's annual reports, over half of the adult paupers on outdoor relief were aged and infirm from at least as early as 1840 (Rose 1972). The Webbs (1910) had estimated an even higher figure.

each union were published and circulated. Unions that gave disproportionate amounts were held accountable, regardless of the proportion of aged in the population.

This policy remained in effect (with great regional variation in administration) until the 1890s when the first return of paupers by age was made (Collins 1965). Reformers' arguments were supported by the data gathered by Charles Booth (1891, 1894) on the condition of the aged poor, showing that the average rate of pauperism among those aged 65 and above was over 29 percent and in many districts over 50 percent. In the mid-1890s, two Royal commissions were organized to investigate the condition of the aged poor. Testimony presented by witnesses at the hearings of the Royal Commission on the Aged Poor indicated that policy implementation varied tremendously from union to union, with some relying largely on out-relief while others only provided relief in the workhouse. Even where out-relief was provided systematically, the amount given was meager, and many older people lived in total destitution. Those granted out-relief often found the experience of having to apply degrading, and many others in need made no application for relief for fear of being denied outright or of being "offered the house" (Quadagno 1982). The commission's findings combined with pressure from Parliament led to a reversal of poor law policy in regard to relief of the aged. In 1896 a circular was issued from the Local Government Board that extended liberal outdoor relief to the *deserving* aged poor, those who had been "of good character, thrifty according to their opportunities, and generally independent in early life" (Circular of 11th July 1896). This policy shift coincided with a general trend in the poor law system toward greater specialization of care and differentiation of paupers into categories.

In spite of the liberalization of relief policy, the issue of filial responsibility remained a concern. The 1895 Royal Commission on the Aged Poor read into the hearings a quotation from the 1834 report regarding the neglect of kin by the working classes. The issue was also apparently a concern among individual unions. For example, in 1905 the Fulham Board of Guardians felt it necessary to formally specify that sons and unmarried daughters of sufficient means were responsible for the maintenance of aged and infirm parents:

Legitimate children (sons, whether married or single, and daughters, if unmarried) are bound to maintain their parents when unable to work through sickness or other cause. . . . It is only relatives of

sufficient ability who are liable, and proof of ability is required by justices before an order can be made (Wall 1977).

In 1909, owing in large part to the active intervention of organized labor, most older people were effectively depauperized with the implementation of the Old Age Pension Act, although substantial numbers remained in poverty. Under the Old Age Pension Act, every person of British nationality who had resided at least twenty years in the United Kingdom was entitled to a pension at age 70. Excluded were those whose incomes exceeded £31 10s., those who "habitually failed to work . . . according to ability, opportunity and need for the maintenance of themselves and those legally dependent on them," lunatics, prisoners, and those receiving poor relief (Gilbert 1964–1965). National pensioners were removed from the jurisdiction of the poor law authority and transferred to county councils that administered pensions through the post office. In 1911 the pauper disqualification was removed, and state income maintenance was extended to even the poorest aged (Collins 1965).

Although the amount of the pension granted was meager (5s. a week), it was significant in that it spelled the demise of local control of the support of the aged. It depersonalized income maintenance and shifted that responsibility from the local community to the state bureaucracy. This shift represented a major break with tradition in that funding was moved from local rates to national taxation, and eligibility was based on universal rather than particular criteria.

Relief under the Early Colonial Poor Law

English settlers in the American colonies brought with them the Elizabethan concept that giving public relief to those who could not support themselves, or secure support from relatives, friends, or private philanthropy, was a proper function of local government. With only one exception, every community in the Plymouth and Massachusetts Bay Colonies provided for relief in the initial stages of settlement and subsequently administered relief as a regular town function.⁴ As early

⁴ The exception was the town of Taunton in Plymouth Colony which was cited for not providing relief during the 1650s (Lee 1982). Other regions were not as quick to establish poor laws. Both North and South Carolina were slow to pass poor law legislation and, although poor laws existed in Virginia, they often were not implemented (Wisner 1970).

as 1647, at the first session of its colonial legislature, Rhode Island announced the poor law principles that stressed, most importantly, public responsibility for the poor. Public responsibility for the poor was buttressed by the other principles of English poor law—local responsibility, family responsibility, and the residency requirement of legal settlement.⁵

The proper objects of relief were the aged, infirm, or insane, who were separated from their means of support and also from a household, and various arrangements were made to care for the needy, including providing light employment, giving provisions and a pension, and boarding with a relative or neighbor at town expense or care in an almshouse, the first of which was erected in Rensselaerswick, New York, in 1657 (Axinn and Levin 1982). One common solution to old age dependency was to assign the person's property over to the community in exchange for care for life, usually through some boarding arrangement. For example, in 1660 the case of Mr. Burrowes, a resident of Providence, Rhode Island, was considered at the town meeting because of his need of relief through "age and weakness" (Creech 1936). Mr. Burrowes was moved into the home of a townsman who had been found willing to take care of him, and his property and possessions were turned over to the town. Similarly, William Baker petitioned the free inhabitants of Portsmouth, Rhode Island, to take his sheep in return for care. The town meeting granted his request and bargained with "Hinory Pearcey" to provide "diat and lodgin" for a year for £8. Sometimes the sense of communal responsibility was taken quite literally, and a rotation system for boarding was established among members of the town. In 1687 the town meeting of Hadley, Massachusetts, voted that the widow Baldwin be removed from house to house "to such as are able to receive her" and "remain a fortnight in each family" (Kelso 1922).

The decline of Joseph Patchin can be documented through the changing responses of the Fairfield, Connecticut, town meetings to his needs. In 1673 the records indicate that "Goodman Patchin is to continue his worke about the meeting house." Eight years later due to his "weaknes and age" Joseph Patchin applied to the townsmen,

⁵ Actually, local administration of relief was not implemented immediately. Initially, in Plymouth the town meeting shared responsibility for relief with colony officials and it wasn't until 1649 that the town inhabitants delegated the task to their selectmen. The pattern was similar in the Bay Colony (Lee 1982).

“desiring his owne estate may mayntayne him as far as it will reach.” Just one year later it is apparent that his health had deteriorated still further, and it is now “old Patchin” that the town refers to when it provides Thomas Bennet with £13 for a year’s food and lodging (Pumphrey and Pumphrey 1961). Other older people received similar consideration in Fairfield. Thus, assistance to the aged was flexible and might shift from finding work for an ailing man to providing food and lodging when deteriorating health made employment impossible.

Although it is difficult to make any accurate assessment regarding the proportion of older people receiving relief, in Plymouth, Massachusetts where the population grew from 500 to about 700 between 1630 and 1645, 57 cases of relief were recorded, and many of the relief recipients were old. Similarly, in Watertown, Massachusetts, 21 individuals received relief between 1660 and 1675, and most was given to older people, usually widows and widowers (Lee 1982). If no generalization about the extent of support can be drawn, it is still readily apparent that some older people in every colonial town had no family members either willing or able to provide support and that relief to the aged was one of the more common functions of poor relief. It also appears that the concept of family responsibility was applied liberally as best fit the needs of individual family members and was associated, at this stage, with economic factors rather than any punitive intent.

In these early years of the colonial period, administrators of relief to the needy were neighbors in small communities, and the concept of family governance reigned, as seen by the frequency with which boarding was used as a means for relieving the aged. Yet, as early as 1617, British poor law officials began the practice of dumping their undesirables—vagrants, paupers, and convicts—upon the colonies.⁶

⁶ There is a lively debate regarding the extensiveness of this practice. Campbell (1959) argues that most British immigrants to the colonies were from the middle ranks of British society. Galenson (1978) challenges her conclusions and cites evidence that boys released directly from parish authorities, and men released from jails where they had been confined for debt or vagrancy, comprised a good portion of the immigrants. Georgia was founded by men released from debtor’s prison (Wisner 1970). Regardless of who is correct in this debate, the perceptions of the colonists that dumping undesirables was a common British practice caused them to act as if it were true.

As a means of protecting themselves against this British practice and as a way of maintaining religious and moral solidarity within the community, the colonies established laws regulating the terms under which a resident might attain inhabitancy. This was accomplished through a procedure termed "warning out," which was based on the belief that each town was a corporation that had the right to choose whom it admitted to permanent residency. The purpose of warning was to free the town of any obligation to provide relief, and once warned an individual might become an inhabitant to all intents and purposes except for the right to receive support (Benton 1911).

One of the basic reasons for denying settlement to a stranger was likelihood of early dependency, and older people were among those at risk. This was recognized in an order passed in 1680 in Portsmouth, New Hampshire, which declared "that if any children, or older person shal be sent or come from one town to another, to school, or to nurs . . . if such shal stand in need of relief, they shal be relieved at the charge of the Town, from whence they came and do belong; and not by the town, to which they are sent" (Benton 1911). Thus, even though they might need aid, older people who were not town residents were given no special consideration and, in fact, were even perceived as a threat. This was demonstrated in the case of John Harmon, "a decriped man," who had no established clear inhabitancy. In 1680 the Massachusetts towns of Taunton and Plymouth disputed which was liable for the support of John Harmon. The dispute continued for two years until the court finally ordered that "the towne of Taunton shall receive and entertaine him for the space of one whole yeer, and Plymouth then to take him for one whole yeer; and soe to be kept from yeer to yeer" (Kelso 1922). This was a practical but hardly humane solution and illustrates the difficulty of determining just who the town's poor were.

The Impact of Social Change in the Eighteenth Century

In the late seventeenth century, a series of colonial wars uprooted hundreds who came pouring into the cities and towns needing relief. These paupers were not familiar citizens who had earned the right to be maintained by the community but neither were they disreputable strangers who could easily be warned away. In 1701 Providence,

Rhode Island, agreed to reimburse the cities and towns directly out of its treasury due to the influx of refugees driven from their homes during the King Philip's wars. In what represented a significant turning point, for the first time paupers were given support that was not funded out of local taxation. Similarly, in 1708 the mayor of Philadelphia, on behalf of the city corporation, complained to the Provincial Council that "the Corporation not only maintains all their own poor without any charge to the county, but almost all the poor of the Province, most of them when distressed in the Countrey, repairing to the town for relief" (Roach 1962). The solution was to build a workhouse at the expense of the province to house all the poor who were not claimable by a town. Other colonies passed similar laws throughout the eighteenth century with some requiring relief in the workhouse and others reimbursing towns directly.

The effect of changes in funding patterns was to emphasize even further the distinction between the two classes of paupers, those who were legitimate residents of towns and thus proper recipients of local poor relief and transient nonresidents who could either be warned away or, if incapacitated, sent to almshouses, which increasingly came into use for this purpose. For example, between 1724 and 1729 the New York almshouse housed either seriously ill or disabled local people, especially the very old who required too much care to be boarded with a neighbor, or strangers who had suddenly been injured or fallen ill (Rothman 1971). As in the seventeenth century, when cases of contested residency arose, many involved older people who, because of ill health or widowhood, often required extensive poor relief. John and Ruth Pitman, for example, became trapped between Marblehead and Lynn when the Lynn constable physically removed them to Marblehead. "Ruth (was) then very sick and weak, not able to stand and having fits upon her in the Street at the Door of one of the Selectment of . . . Marblehead" (Jones 1979).

Government units beyond the level of the town intervened in the provisions for old age security in other ways in the eighteenth century. For example, the General Court of Massachusetts (i.e., the state legislature) granted tax exemptions to widows of soldiers and ministers and sometimes paid them direct relief out of public funds (Keyssar 1974). Courts also worked to change the way in which inheritances were transmitted, creating more self-sufficiency for widows, on the one hand, while stimulating investment capital on the other. Typically,

a widow held one-third of her husband's estate during her lifetime but did not have the right to sell the property. This meant that while many widows were not technically poor, the property they possessed could not generate an adequate annual income without a great deal of labor—often an impossibility in a labor-scarce economy. As the Massachusetts economy expanded and diversified, businesses required increasing amounts of investment capital. In the eighteenth century the General Court began to pass acts enabling women to sell their real property in order to support themselves (Keyssar 1974). The changing economy thus provided investment opportunities for widows who could live off the interest of their property sales. Widows became more able to support themselves, and investment capital was released to business rather than being tied up with family inheritance laws.

The increased impersonality of public relief led some groups, on the basis of national origin or religious ties, to form charitable organizations, soliciting funds in anticipation of need. One of the first of these philanthropic organizations was the Scot's Charitable Society of Boston which was formed in 1657 and became the prototype for thousands of other groups. The society's records indicate that, by the early eighteenth century, one of its major functions was the provision of relief to the aged on a long-term basis as a type of pension. For example, in 1718 a petition from James Maxwell was read. Mr. Maxwell who had been "a Contributor while he was in capacity" was praying for relief in his old age. The society voted to give him 20 shillings immediately and an additional 10 shillings every quarter. Eliza Wilson, who died in 1756, had been relieved by the society for 23 years (Pumphrey and Pumphrey 1961).

By the mid-eighteenth century the transient population had swelled further due to population growth and a decline in available land as well as inflation and the increase in commerce. Transients and laborers migrated between commercial towns, seaports, and farming villages in search of employment. As the problem of identifying strangers led to increased stringency in relief practices, the treatment of the aged poor, whether resident or nonresident, became harsher. In larger towns the sick and aged were no longer the major recipients of poor relief, and there was less of an inclination to differentiate their care from that given to transients. If the almshouse or workhouse was the dominant form of relief in a township, then it was likely that the aged would be provided relief in that fashion. A vivid example of

the lack of differentiation occurred in Great Barrington, Massachusetts, in 1769. Barnet and Sarah Campbell, an aging couple, applied to the town for poor relief, expecting to receive outdoor relief. Instead, the Overseers of the Poor ordered them to the workhouse. Barnet Campbell protested before the Berkshire County sessions court, arguing that "instead of that kindness and tenderness which Old Age, and impaired health required and that provision and support which human nature Demands, we have been treated with . . . Roughness, threatened with the workhouse, whips and chains . . . and left without any support." To prove that he was not among the idle poor, he obtained depositions from 23 friends who testified to his good moral character and frugal nature. Although the justices agreed that the Campbells did not deserve confinement in the workhouse, the overseers refused to grant them outdoor relief (Jones n.d.).

On the other hand, in many small villages, like Danvers, Massachusetts, older people were still regularly boarded out. For instance, in 1767 the average age among the fifteen boarded paupers whose age could be ascertained was 75 (Piccarello 1982a). However, even though the continuation of the practice of boarding may appear to be benevolent compared to the almshouse, the nature of boarding had changed. Rather than the property exchanges that were common in the seventeenth century, the town's poor were simply auctioned off to the lowest bidder.

As was true earlier, older people were defined as a particularly heavy burden, and in some instances settlement laws singled them out for special treatment. In 1792, for example, the Commonwealth of Pennsylvania passed an act requiring a bond from any person importing an aged person into the community. If the person subsequently became a charge, the bond money was to be used for transportation to the person's original county of residence (Haber 1983).

The extent of familial aid is, of course, impossible to estimate, but some evidence of problems in enforcing family responsibility does exist. For example, the towns of Wenham and Beverly, Massachusetts, had to negotiate a contract in order to force a nonresident son to care for his widowed mother. Also, in 1752 overseers of the poor of Marblehead, Massachusetts, petitioned the Court of General Sessions of the Peace to force the relatives of two aged women to care for them (Jones 1975). The increased rigidity in the interpretation of poor law

policy seemed to affect the way in which the concept of family responsibility was interpreted and implemented.

Toward the end of the eighteenth century fundamental changes occurred in the way in which poverty was defined and treated. The practice of boarding out declined, at least in the East, and workhouses now housed the impotent local poor and transients together. According to a description of the Boston Poorhouse in 1790: "Persons of every description and disease are lodged under the same roof and in some instances in the same or contiguous apartments, by which means the sick are disturbed by the noise of the healthy, and the infirm rendered liable to the vices and diseases of the diseased and profligate" (Kulikoff 1971). Massachusetts terminated the warning-out system in 1767, ending the primary enforcement system for the settlement laws. One reason for ending this system has to do with the increased need for a mobile labor force, which was impeded when strangers were not allowed to establish residency. Massachusetts further amended the settlement laws in 1789 to allow individuals to establish residency on the basis of property ownership or by paying taxes for five years (Jones n.d.). The onus of responsibility for identification of settlement was now shifted from the town to the individual. At the same time, towns were required to provide care and immediate poor relief to anyone, regardless of legal residence, for a period of up to three months. Paupers were thus officially recognized as part of everyday life, and the definition of pauperism was expanded to include not only those traditionally recognized as having a claim on the resources of the community—widows, orphans, the sick, and the aged—but to those previously considered ineligible—vagabonds, the unemployed, and strangers.

Differentiation and Institutionalization

In the early nineteenth century, several social movements arose that had the simultaneous effect of differentiating among various categories of individuals in need of aid or reform and incarcerating them in separate institutions. Hoping to eradicate crime, mental illness, poverty, and provide sanctuary for abandoned and orphaned children, reformers pressed for the construction of well-ordered institutions. Between 1820 and 1840 prisons, mental hospitals, orphan asylums, and renovated

or newly constructed almshouses proliferated, with 144 new almshouses erected in Massachusetts alone. Even though many were replacements for previously existing structures, they were also considerably enlarged.⁷

Reformers focused on the role of the community in creating pauperism and denounced outdoor relief as an inducement to dependency. Although outdoor relief was never eliminated and in some areas not even reduced, the increase in the proportion of paupers relieved in institutions in many urban areas was substantial. The proportion of paupers receiving indoor relief in Boston rose from 21.4 percent in 1832 to 44.5 percent by 1851 (Byers n.d.). In New York, 4,500 persons received indoor relief in 1830 as opposed to nearly 10,000 by 1850 (Rothman 1971).

Various theories centering around the ideology of reform have been postulated to explain the rise of institutionalization in the early nineteenth century, but whatever other explanations may appear salient, there is little doubt that the influx of European immigrants who were trickling into the eastern shores played a significant role in the acceptance of institutional care. Urban areas were particularly burdened by the influx of rural migrants and foreigners who accounted for major portions of the cities' relief bills. For example, most recipients of public welfare in the 1820s in Philadelphia were blacks, immigrants, and women. Blacks made up 15 percent of the almshouse population, although they represented only 8 percent of the total city population. One-third of those receiving outdoor relief were immigrants, who also comprised 40 percent of the almshouse residents (Clement 1977). In Danvers, Massachusetts, where the expanding shoe industry had spurred the demand for labor, the proportion of foreign-born paupers increased from 59 percent in 1841 to 86 percent by 1846 (Piccarello 1982a).

Representatives from urban areas urged state legislatures to pass acts requiring counties to erect institutions where the unsettled poor could be maintained. Counties, however, were often reluctant to erect almshouses, forcing cities to continue to care for the influx of residents. States continued to shoulder a large portion of the burden of relief, as towns were reimbursed from state funds for the care of state paupers

⁷ Byers (n.d.) argues that the extent of almshouse use in this period is exaggerated. Similarly, Piccarello (1982b) demonstrates that the use of an almshouse by a village varied according to the nature of the town's poor and that some towns with large numbers of unemployed built almshouses in the eighteenth century to care for them. Thus, the nature of the local economy was more important than any single reform movement.

not in almshouses. Since they could not make counties erect almshouses everywhere, some states simply tightened eligibility requirements to exclude paupers under age 60, and reduced the amount of reimbursements.

While those in control of public relief attempted to reduce the number of able-bodied on the relief rolls, private charities like the New York Association for Improving the Condition of the Poor were more concerned with identifying the redeemable poor on the basis of background, character, and ability, and separating them from those unlikely to benefit from moral reform. Consciously omitted among the redeemable were the aged who had little left to contribute and who “are likely to continue unable to earn their own support, and consequently to be permanently dependent” (Haber 1983).

If charities abandoned the aged as unworthy recipients for aid, they were still maintained through the traditional method of poor relief, and, in fact, in spite of the emphasis of public opinion on the number of unworthy poor receiving aid, statistics indicate that older people still received a disproportionate share of all public relief. In 1826, 61 percent of those on outdoor relief in Philadelphia were over 50, a figure that had risen to 80 percent by 1829. Forty-eight percent of the almshouse residents were in the same age group (Clement 1977). In 1830 Philadelphia supported 549 outdoor paupers at an average rate of 46½ cents per week. Three hundred and ninety of those were over 60 years of age (Carey 1833).

On the more sparsely settled frontier, territorial governments and newly established states set up poor law principles that mimicked those of their eastern counterparts. In spite of an emphasis on the almshouse, there was also, as in the East and South, tremendous variation in provisions made for the care of the aged. When it was a part of the Northwest Territory, Indiana, under the poor relief law of 1795, determined that those not able to work, including the “old, blind, impotent and lame” were to be kept in homes under the supervision of overseers. The Indiana Constitution of 1816 made provision for “an asylum for those persons who by reason of age, infirmity, or other misfortunes may have a claim upon the aid and beneficence of society” (Shaffer and Keefer 1936). Institutional care became the main form of relief for the aged, as every county erected a poor asylum. When Kansas entered the Union in 1861, it included in the state code a statute concerning the care of the poor, who were

defined as “the aged, infirm, lame, blind, or sick persons who were unable to support themselves” (Browning 1935). A county tribunal was established to provide relief to needy persons who had resided in the county at least twelve months, and poorhouses were to be erected. Each county was responsible for levying its own tax for the erection of poorhouses. Missouri and Ohio also included the aged under those deserving relief, and initially older paupers were boarded out. Gradually, in these states, too, almshouses became the main source of relief (Boan 1941). Missouri also experimented with a county pension, a form of relief practiced both in counties with and without almshouses. The pension system was particularly subject to abuse in cases where the pauper was infirm, because in these instances the pensioner received the pension through a guardian who, because there was often little supervision, sometimes kept part of the pension for his own use (Boan 1941).

Although the almshouse experiment was judged a failure as early as 1833 by a Massachusetts committee who toured the state and found grossly inadequate conditions, almshouses were not abandoned (Rothman 1971). They continued to serve a function, albeit a different one from that intended by early reformers. Instead of being rehabilitative they were now accepted as custodial, peopled even more than formerly by decrepit aged, particularly aged immigrants. Since immigrants had no legal residency, they were taken in with no charge to towns, and the lack of concern for this marginal group in terms of cure helped perpetuate the continuation of the institution.

In the late nineteenth and early twentieth century increasing attention was drawn to the inadequacies of local administration and taxation. Reformers noted that local responsibility meant a good system of relief in one county and a corruptly administered system in another. Poor law officials in one county having an almshouse exercised a type of authority quite different from that of officials where no almshouse was established. The result was an unevenness of service. Further, the heaviest burden of taxation was often placed on the most destitute areas least able to bear it. Often the system became part of the political spoils with newly elected officials appointing incompetent individuals to manage the local poor farm.

The result was increased state intervention into what had been defined as local affairs, as the state began attempts to regulate functions previously left to local government. State funds for paupers were now

accompanied by attempts to standardize and regulate treatment in state institutions of charity and public welfare. In 1865, for example, Massachusetts established a state board to regulate health, lunacy, and charity (Berkowitz and McQuaid 1980). A similar board was established by Indiana in 1889 (Shaffer and Keefer 1936).

One of the unintended consequences of state regulatory boards was to further accelerate the process of differentiation and state expansion. These boards had to deal with local institutions, both public and private. In sparsely populated rural areas, there were too few inmates for specialized programs, and the obvious solution was to congregate special classes in an agency under state auspices. The early lunatic asylums and the schools for the blind and deaf were established in just this manner. Urban counties, in contrast, had large populations with specialized needs, enough to justify a local institution, but they were often corrupted by political spoils systems. The solution to abuse was, again, state control.

With state institutions, a problem with funding arose. It seemed reasonable to ask local taxpayers to pay for a local resident sent to a state institution, but since local almshouses were often cheaper (because less care was provided), local officials often declined the state option (Leiby 1978). In 1890 New York passed the State Care Act, which mandated state financial responsibility for all mentally ill individuals. A similar act was passed by Massachusetts a decade later. These acts ended a system that had divided responsibility for the care of the mentally ill between the states and local communities, transferring funding entirely to the state. Until the passage of this act, local officials had been sending resident older people to almshouses because costs were lower. Defined as incurable, they were rarely sent to insane asylums. The State Care Act shifted responsibility for the funding of the mentally ill to the state and local officials rapidly began classifying the senile aged as mentally ill and sending them to mental hospitals (Grob 1983). The result was a rapid rise in the proportion of aged persons in state mental hospitals and a reversal of the earlier trend of refusing to send older people to these institutions.

Economic factors also propelled the aged into institutions in increased proportions in California where the passage of an act by the state legislature in 1883 appropriated the sum of \$100 yearly for the support of every indigent person over 60 years of age (Smith 1895). Since the average cost per inmate in California almshouses was less than \$100

per person per year, it became financially advantageous for institutions to admit old as opposed to young residents. The result was a substantial increase in the average age of inmates from 50 in 1882 to 59 by 1894 (Smith 1895). (This act was repealed in 1894.) As was true elsewhere, the majority of these residents were Irish immigrants.

In the early twentieth century there occurred a gradual shift of administrative responsibility for public welfare, initially from local overseers of the poor to local or county departments of welfare and eventually to the state level. Kansas City, Missouri, established a city department of welfare in 1910 with the authority to provide for needy groups. St. Joseph, Missouri, established a county-city department of public welfare, and Chicago set up the Cook County Bureau of Public Welfare, both in 1913. In 1917 Illinois reorganized state government and grouped all state functions into nine departments, each with its own director (Axinn and Levin 1982). Among the nine was a Department of Welfare with a director of public welfare. The Illinois code, which was emulated by other states, introduced a new era in public administration, in that welfare became identified as a statewide function, and the state took responsibility for administration as well as regulation.

The Growth of the Pension Concept

As for national government, the central government did not exist as a federal welfare entity in the early twentieth century. While a few incursions were made into public welfare in the nineteenth century, including the establishment of the Freedmen's Bureau in 1865 (abolished in 1872), the payment of modest benefits to veterans, and the provision of occasional direct welfare services to Indians on tribal reservations, the federal government remained largely uninvolved. Few entertained the idea that the federal government should assume direct responsibility for maintaining general welfare programs.

The period between 1895 and World War I has been termed the "Progressive Era," because of the various reform movements that emerged during these years. The progressives, though made wary by the exposure of corruption in politics, were not opposed to the expansion of government, which they viewed as a source of leverage for reform. Although the progressive movement was dominated by middle-class

professionals, urban workers also pressed for government intervention in such areas as housing, health, factory safety, regulation of working hours, and workers' compensation. Some businessmen also promoted limited government regulation when it served to protect their enterprises. Thus, the view that government should play a small and unobtrusive role in economic affairs was gradually eroded, replaced by the expectations of various groups that government should act positively on their behalf.

Initially, most of the progressive reforms relating to social welfare took place at the state level and included such measures as factory inspection laws, grants to widows with dependent children, and child labor laws. A few states made tentative incursions into the arena of old age pensions, as reformers drew attention to the fact that the only sources of economic assistance for the aged outside of the poor law were a few scattered pension programs for teachers (Graebner 1980), pension benefits paid by the federal government to veterans, a few pension programs in private industry (Achenbaum 1978), and scattered municipal programs.

In 1907 the Massachusetts Commission on Old Age Pensions was appointed. Significant in identifying the aged as a special group, the commission examined the status of the dependent aged in Massachusetts and concluded that state pensions would have a number of undesirable effects. They would reduce wages, destroy family cohesion which was rooted in "filial obligation for the support of aged parents," and would testify to the failure of American economic and social institutions (Lubove 1968). These reasons were discussed under the general conclusions. However, in the section entitled "Final Conclusions and Recommendations" the commission expressed a rather different reason for rejecting a state pension. While arguing against state pensions, they suggested that "if any general system of old age pensions is to be established in this country, this action should be taken by the national Congress" (Pumphrey and Pumphrey 1961). Here, the rationale was different from the platitudes about familial obligations preached earlier in the report. State pensions were less desirable than federal ones because they would place industries in states that implemented them at a competitive disadvantage with neighboring states "unburdened by a pension system" (Pumphrey and Pumphrey 1961). So, the underlying motivation in the rejection of state pensions was quite material,

hardly a matter of ideals. The pension scheme was rejected, leaving most older people still with only the poor law to turn to for economic assistance.

Some of the early state pension plans were based on the concept of disability, and while they included the aged naturally in the criteria for eligibility, there was no recognition that economic needs in later life might arise independent of health needs. Kansas in 1913, for example, gave county commissioners the authority to pay a monthly pension of no more than \$50 a month to any person who was wholly disabled from performing manual labor, who had been a resident of the state for 15 years, and a resident of the county for 10 years. However, when a Mr. J. West applied to the commissioners of Sedgwick County for such a pension, claiming that he complied with the residence requirements, that he was blind in both eyes, that because of disease and old age he was unable to perform any labor, and that he had no relatives to maintain him, the commissioners decided it was "unwise" to give him a pension. The legislature upheld the right of the commissioners to deny the pension, stating that the granting of a pension was a matter of grace, not a right, and was discretionary with the commissioners (Browning 1935). It is apparent that in Kansas the aid defined as a "pension" was merely another form of poor relief and that concepts of economic and physical dependency were intertwined.

In 1911 Massachusetts was the first state to establish a contributory system of pensions for all state employees. A number of other states subsequently adopted similar plans (Epstein 1928). The first attempt to establish general, old age assistance independent of the poor law was made by Arizona in 1914. In that year a law was enacted abolishing almshouses and granting a pension of \$15 a month to all persons over the age of 60 who were without visible means of support. The Supreme Court of Arizona later declared this law unconstitutional. However, these early pension schemes were symbolically significant in that they legitimated the view that older people needed economic aid.

In these early state pension plans, it is apparent that the struggle between the concepts of pensions as an earned right as opposed to the belief that all older people deserved economic assistance was played out, as contributory vs. noncontributory schemes were tested. Should a pension be granted only to workers who had earned the right to economic support in old age by contributing over a lifetime, or did the community have the obligation to provide support for all older

people in need? Never satisfactorily resolved, these same issues later were replayed in the Social Security Act of 1935.

The federal government increased its involvement in welfare activities throughout the 1920s, creating several welfare programs, including vocational education, vocational rehabilitation, and infant and maternal hygiene. All of the formal welfare programs created during the 1920s operated on the principle of federal grants-in-aid to states. Thus, each program involved federal provision of services to welfare clients. Although modest in their provisions, these new programs did escalate the level of the federal government's social welfare responsibility.

While the federal government began to interact with the states through grants-in-aid, the states took an increasingly active role in attempting to make provisions for old age security. Between 1923 and 1929 the majority of states enacted old-age pension legislation. The stimulus for this legislation came partially from surveys, which indicated that a third to a half of those aged over 65 were dependent on others for all or part of their support (Schneider 1937). Among the earlier laws passed, most merely gave counties the right to pay out a pension to older people. Since most counties were reluctant to impose an additional financial burden upon themselves, few took up the option. Other commonly adopted requirements included 15 years' residency in the state, possession of no more than \$3,000 in property, a maximum payment of \$1 per day, and the exclusion of clients with children or other close relatives with the means to assist (Chambers 1963). Clearly, poor law philosophy was incorporated directly into these pension programs, including residency and family responsibility clauses, and they continued to be more of a dole than a pension.

Some states allowed counties an option but included state aid to assist them. These, too, proved largely ineffective, and in the late 1920s there was a gradual move toward mandatory pension laws with statewide control and contributions from state government. These laws still included the poor law conditions of legal settlement in the form of a residency requirement, a means test, and the requirement that children or other near relatives be unable to support the person requesting the pension. In Massachusetts, for example, the bill that finally became law paid financial assistance to men and women aged over 70 according to need. They had to be "deserving" citizens, have no more than \$300 in cash savings, and children and grandchildren were required to file financial statements (Chambers 1963). Aid could

be withdrawn if the person was not living in a "decent" way. In spite of the trend toward enactment of pension legislation by states, as late as 1934 only 25 states had laws in operation.

The federal government, which had been paying military pensions to veterans since the early nineteenth century, also became involved in more extensive pension programs with the passage of the 1920 Civil Service Retirement Act. This act initially called for compulsory retirement and a pension to be paid to any civil service employee with fifteen years service at age 70. Thus, older workers gained a noncontributory pension by paying the price of compulsory retirement. Contributions were required for younger employees. For the first time, with the exception of veterans, the national government entered a field that had been reserved for states, municipalities, and private businesses. Federal jurisdiction was extended in 1934 to employees in interstate commerce when the Railroad Retirement Act was passed. (The Railroad Retirement Act was declared unconstitutional by the Supreme Court in 1935 on the grounds that it contravened the due process clause of the Fifth Amendment [see Achenbaum 1978]). In both instances, national industries were, in effect, subsidized by the federal government.

With the onset of the Depression in 1929, thousands of workers who had previously supported themselves and their dependents, and had none of the characteristics of people customarily cared for through public welfare, required relief because of mass unemployment. The states, hard-pressed by demands for mass relief and near bankruptcy, began to plead for federal aid, including federally financed pension programs. Their demands meshed with the interests of big business whose leaders supported a national pension as a means of increasing corporate efficiency and stimulating production. Between 1933 and 1935 the Congress extensively debated the logistics of federal intervention into the social welfare system. The most important issue concerned whether the federal government should only underwrite the new social welfare activities of the various states or whether it should administer the new programs. In August 1935 President Roosevelt signed the Social Security Act. Far from resolving the split between states rights and federal rights, the bill was a contradictory mixture of every known social welfare device. The old age assistance plan initiated federal grants to states for welfare programs. In contrast, the old age insurance program relied on direct federal provision of a service and involved no state or local intermediary.

The old age assistance program provided grants of federal funds to the states for old age pensions to needy persons aged 65 or older, on a 50-50 matching basis up to a maximum federal contribution of \$15 per month. States were also granted 5 percent of the pension amount for administrative costs. Eligibility requirements made mandatory by the federal act included age 65 as the eligible age, a minimum residence requirement of 1 year or 5 of the past 9 years in the state, and that it be available to all citizens. Those without residency still had to turn to the poor law.

By 1937, 40 states had plans approved by the Social Security Board, and although there was wide variation in these plans, many incorporated requirements in line with poor law philosophy. For example, 25 states required an investigation to determine the ability of other members of the family to support the applicant. These 25 plans variously specified that the applicant could not have “children” or “relatives legally responsible” or, in some cases, “persons legally responsible” who were able to provide support. There were also variations in property and income limitations in terms of the maximum or minimum amount allowed (Schneider 1937). In Missouri 137,427 applications for assistance were received between 1935 and 1939. In a sample taken of those rejected, 63 percent were rejected because of resources, and nearly 20 percent on the grounds that they had relatives able to support them. Only 3.6 percent were rejected because of a failure to establish residency. Thus, family responsibility clauses were a major method used by states to keep pension costs down (Boan 1941).

In contrast, the insurance portion of the Social Security Act was financed by means of contributions or special taxes assessed equally against the employer and employee. Taxes began to be collected in 1937, and the first payout occurred in 1940. Since only a small proportion of older people were eligible for benefits in 1940, most older people received their income, if any, from old age assistance. In fact, it was not until 1953 that there were more people receiving federal old age insurance than state old age assistance.⁸

⁸ Owing to the severe work requirements, as late as 1948 only about 20 percent of the population over 65 were either insured or receiving benefits (Brinker 1968). Old age assistance became nationalized in 1974 when the Supplemental Security Income Program (SSI), which still contained a means test, was created (Segalman and Basu 1981).

Recent Transformations in Social Security

Since 1940 when dependents were added to the old age insurance title, the Social Security system has continued to expand. Workers initially in uncovered occupations, such as farmers, domestic servants, and self-employed professionals were brought into the system, and the program grew to include new kinds of risks, such as those arising from disability or poor health. Benefit levels were increased substantially in 1950 and then again in 1972 when they were indexed to the cost of living.

In spite of the tendency to expansion at the national level, the problem of establishing the locus of responsibility has continued to complicate the administration of various programs. The initial disability program, established by Congress in 1948, called for grants-in-aid to the states for relief of the disabled who were also poor (Derthick 1979). Thus, the poor law principles of means tests and local responsibility remained imbedded in this piece of expanded welfare legislation. Even when disability regulations were subsequently liberalized and state disability assistance was surpassed by disability insurance funded out of payroll taxes, state agencies were still given the responsibility for assigning disability determinations.

A similar dichotomy between state and federal responsibility became a part of the health insurance legislation for the aged in the form of Medicare and Medicaid programs. Like disability, the first type of medical aid, passed in 1960 as the Kerr-Mills Act, provided grants-in-aid to the states for a new category of public assistance program called Medical Assistance to the Aged. Adhering to poor law principles, benefits were provided only to those who could prove financial need, and use varied greatly from state to state (Derthick 1979). When more extensive health insurance legislation was passed by Congress in 1965, it contained the federal Medicare program, available to all Social Security participants and financed out of payroll taxes and Medicaid, a program financed jointly by federal government revenues and state funds and available to all needy who could qualify for public assistance (Marmor 1973).

It was not until 1974, when old age assistance became a national program under the title Supplemental Security Income (SSI), that a welfare program for the aged poor was financed entirely out of federal funds. This may be the culmination of a trend started centuries earlier

as increasingly larger government units usurped the functions of local government, but it is still too early to determine whether SSI is an anomalous situation or an indicator of future changes.

Conclusion

There has been a gradual transformation in the methods used to provide for old age security. In the early colonial period in America, those who came under the jurisdiction of the poor law were needy dependents but not necessarily poor. Rather than having to depend solely on the good will of their neighbors, older people exchanged their goods and property for care in old age. Providing for the elderly was the responsibility of the family and the local community, because this responsibility could be clearly circumscribed. When family networks or informal provisions failed, the poor law offered a reasonable degree of protection for the needy among the community's elderly. Family responsibility clauses, in the context of a close-knit community where each individual was known to village leaders, made sense and were interpreted liberally, meaning financial support in one situation, household support in another.

However, the very aspect of the poor law that made it amenable to personalized care, the concept of local responsibility, also made it difficult to administer. The principle of local responsibility coupled with regulations about legal settlement was simply inapplicable to a growing nation, a nation increasingly composed of strangers who could not simply be "warned away." Commercial and industrial growth expanded the demand for labor, and immigrants and rural migrants poured into northern cities and towns, further accelerating the erosion of local responsibility and making the concept of legal settlement even more difficult to enforce. As poor law regulations became increasingly rigid, older people in need were auctioned off to the lowest bidder or sent to almshouses. Family responsibility laws also became more difficult to enforce, and when they were implemented, their intent was harsher and more punitive.

States began to intrude upon counties and townships, first through supervision of existing regulations and then later through the usurpation of direct administrative responsibility. Yet the very dilemmas that had plagued local communities also haunted the states in their attempts to make adequate provisions for older people. Initial state pensions

were arbitrary in their criteria, still associated with the stigma of the poor law, and plagued by the settlement issue in the form of residency requirements. The reluctance of state legislatures to make adequate assessments for funding pensions, a problem that had plagued the poor law in the past, became the most immediate pressing issue when the Depression brought many state treasuries near bankruptcy. A national program of income maintenance for the aged appeared to be the only solution. However, various aspects of poor law policy, including residency and family responsibility, remained imbedded in the Social Security Act in the form of the old age assistance plan.

In reviewing the turning points in the transformation of old age security, what seems most readily apparent is that transitions in care were stimulated by changes in funding patterns rather than by concerns about the welfare of the aged. Even in the early years of the colonial era, older people with no established residency were shuffled from town to town as each village denied responsibility for support. When population growth shifted some of the burden of poor relief from the town to the colony, aged nonresidents were readily institutionalized at state expense. The initial protection that town residents received dissipated as changes in settlement laws dissolved the distinction between resident and nonresident poor, and older people were incarcerated in almshouses along with vagabonds, the unemployed, the sick, and the insane. In the late nineteenth century again, the aged were sent to almshouses or insane asylums, depending upon where the maximum economic advantage to the community lay, and the population of institutions became increasingly dominated by "ancients." Initial proposals for state pensions were rejected on the grounds that they would put industries at a competitive disadvantage, and when a federal pension program was finally passed, it incorporated poor law provisions that affected the majority of older people for decades.

This paper has explored patterns of change, but it has not even begun to answer the question of why these transitions occurred. From the earliest British poor laws to the present, two themes emerge that are suggestive for further research. One theme concerns the issue of vested interests. Welfare programs have historically remained under the jurisdiction of local control, because they have traditionally been used as labor control devices. Since local control over labor cannot be maintained without local participation in financing, we might begin by investigating whether changes in welfare programs have been

associated with changes in demands for labor. In each transformation in the nature of welfare, it is important to understand who the participants were in pressing for change and who benefited from these changes.

A second broader theme is the continued expansion of welfare from a locally financed and administered program to one that is nationally administered, federally financed, and bureaucratically controlled. In attempting to explain why this transformation has occurred, it is important to recognize that welfare for the aged cannot be understood in a vacuum; transitions in support for the aged are rather one part of the development of the welfare state. Our broader purpose, then, becomes one of relating the evolution of the welfare state to underlying social and economic changes in society.

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