
George R. Boyer
Cornell University, grb3@cornell.edu

Follow this and additional works at: https://digitalcommons.ilr.cornell.edu/articles

Part of the Economic History Commons, Income Distribution Commons, Labor Economics Commons, Labor History Commons, Labor Relations Commons, and the Regional Economics Commons

Thank you for downloading an article from DigitalCommons@ILR.

Support this valuable resource today!

This Article is brought to you for free and open access by the ILR Collection at DigitalCommons@ILR. It has been accepted for inclusion in Articles and Chapters by an authorized administrator of DigitalCommons@ILR. For more information, please contact catherwood-dig@cornell.edu.

If you have a disability and are having trouble accessing information on this website or need materials in an alternate format, contact web-accessibility@cornell.edu for assistance.
Abstract

[Excerpt] One must have some knowledge of a society's conception of poverty in order to understand the existence of differing methods of poor relief over time and place. In The Idea of Poverty, Gertrude Himmelfarb presents a detailed account of England's poverty problem during the years 1750 to 1850 as seen by contemporary English economists, politicians, journalists, and novelists. She attempts to determine why the image of poverty, and of the poor, changed over those years and how the popular image of the poor influenced society's methods of relieving poverty. The result is a book that anyone concerned with the problem of poverty, either in current or past times, will find both interesting and useful.

Keywords

Britain, poverty, labor economics, labor history, relief, public policy

Disciplines

Economic History | Income Distribution | Labor Economics | Labor History | Labor Relations | Regional Economics

Comments

Suggested Citation


Required Publisher Statement

© Cornell University. Reprinted with permission. All rights reserved.

This article is available at DigitalCommons@ILR: https://digitalcommons.ilr.cornell.edu/articles/535
did." But, "beginning in the mid-sixties, statutes and regulations governing the employer-employee relationship came into being and became more complex and pervasive." As a result, "arbitration procedures became more formal." And "in the late seventies, more procedural rigidities sprang up, not because the practices and procedures of arbitrators had been catalogued, but because the Supreme Court in a series of decisions passed on to the trial courts the duty of reviewing arbitration awards if they 'touched the law'." He asks:

Will labor arbitrators absorb the simple yet sound legal procedures fast enough to cause courts and agencies to accept the awards without relitigating them [thus] slowing down the resolution of many types of grievances that once were considered the labor arbitrator's exclusive campground?

Of course, no definitive answer can now be given. But Fairweather does provide much evidence supporting an affirmative response. For example, his chapter on parol evidence, residual management rights, and just cause outlines principles that should help arbitrators avoid the charge that they have exceeded their jurisdiction. Fairweather also devotes a full chapter to the vexing subject of subcontracting, in which he describes arbitrators' differing rationalizations for determining whether or not limitations on subcontracting should be imposed in the absence of a specific contractual restriction; and he then discusses the impact of section 8(e) of the NLRA and of the antitrust laws on arbitrators' ability to impose such restrictions.

Similarly, the chapter on due process offers guidance on such matters as confessions, self-incrimination, unlawful search, the right to union representation, and electronically obtained evidence. There are two chapters on polygraphy, one of which covers the acceptance and use of polygraphers' testimony and the second of which discusses what arbitrators do when an employee is disciplined for refusing to be tested. Also deserving mention is Fairweather's discussion of external law and arbitration, especially the influence of Title VII of the Civil Rights Act on arbitration practice and on job evaluation plans.

There are yet other laudable features of this volume. In addition to quoting and citing representative arbitral awards, statutes, and judicial decisions, the author makes comprehensive reference to relevant legal treatises and texts, periodical literature, committee reports, and the like. The book concludes with a description of special arbitration procedures, a detailed index, and a table of awards (by arbitrators) and a table of cases (classified by the federal, state, and NLRB levels).

I do not believe that Fairweather's book will, or should, replace the Elkouris' classic How Arbitration Works as the primary desk book for the busy practitioner or arbitrator. But I do believe that because of the features mentioned above, particularly the discussions of the developments of the last decade or so, Fairweather's Practice and Procedure will be a useful companion to that work.

Robert F. Koretz
Professor Emeritus
College of Law
Syracuse University

Labor History


One must have some knowledge of a society's conception of poverty in order to understand the existence of differing methods of poor relief over time and place. In The Idea of Poverty, Gertrude Himmelfarb presents a detailed account of England's poverty problem during the years 1750 to 1850 as seen by contemporary English economists, politicians, journalists, and novelists. She attempts to determine why the image of poverty, and of the poor, changed over those years and how the popular image of the poor influenced society's methods of relieving poverty. The result is a book that anyone concerned with the problem of poverty, either in current or past times, will find both interesting and useful.

The book is divided into four parts. Part 1 focuses on Adam Smith and Thomas Malthus. Himmelfarb contrasts the optimistic and moral economics of Smith with the pessimistic and "de-moralized" economics of Malthus; and she attributes the victory of Malthus's "principle of population" over Smith's theory to "the dismal realities of life in the first half of the nineteenth century" (p. 135).

In part 2, the author analyzes the conception of poverty contained in the 1834 Report of the Royal Poor Law Commission and in the Poor Law Amendment Act, as well as the subsequent literature attacking the New Poor Law that eminated from both ends of the political spectrum. Individual chapters are devoted to the opposi-
tion of the Tory press, Thomas Carlyle, William Cobbett, the radical newspaper The Poor Man's Guardian, the Chartists, and Friedrich Engels.

The third part is mainly an analysis of Henry Mayhew's London Labour and the London Poor (1861—62), an important work because it redefined poverty as a cultural rather than an economic problem, and thus one that would not necessarily be solved by continued economic growth. Part 4 analyzes the concept of poverty portrayed in the contemporary fiction. The "social" novels of Dickens, Disraeli, and Gaskell are discussed in detail, as well as the works of the now-forgotten "sensationalist" writers, such as William Ainsworth and G. W. M. Reynolds.

Persons interested in social, economic, or labor history will be indebted to Himmelfarb for bringing together the immense amount of information contained in The Idea of Poverty. Few historians could have written such a book; Himmelfarb is equally adept at discussing the political economy of Smith, the "old" radicalism of Cobbett, and the novels of Gaskell.

Unfortunately, the book is less successful in total than in the sum of its parts. Although Himmelfarb's analyses of individual writers are almost uniformly superb, there are two serious problems with the overall work. First, her choice of contemporaries to include (and emphasize) must be questioned. A list of influential persons virtually ignored here would include Joseph Townsend, David Davies, Patrick Colquhoun, Arthur Young, David Ricardo, and John Stuart Mill. There is surprisingly little discussion of contemporary attitudes toward the Old Poor Law during the critical period from 1795 to 1834. Because of this omission, we are led to believe, incorrectly, that serious criticism of the Poor Law did not begin until the publication of Malthus's Essay on Population in 1798. The analyses of Eden's State of the Poor (1797) and Chadwick's Sanitary Report (1842) are far too short, given the importance of those works. On the other hand, Himmelfarb's chapters on the social novels of Dickens, Disraeli, and Gaskell are excessively detailed and often repetitive. And the excellent chapter on Engels seems out of place, since The Condition of the Working Class in England was not published in Britain until 1892.

The book's other problem is that it offers almost no discussion of society's conception of poverty. In her introduction, Himmelfarb claims that there were "rapid change[s] of social climate" during this period, but these are difficult to discern in the book. Are we to assume that Smith's "optimistic" view of political economy was accepted by society at large during the period between the publication of The Wealth of Nations and that of Malthus's Essay on Population, and that Malthus's hypothesis became dominant thereafter? Apparently not, in light of the divergence of thought among Smith's "disciples" and the strong attacks on Malthus discussed by Himmelfarb in chapters 3 and 4. Did the concepts of poverty put forward by Carlyle and Cobbett have a significant influence on society? As Himmelfarb admits, the fact that their work was widely read does not necessarily mean that they were influential. Finally, it should be noted that the actual administration of poor relief at the parish level changed much less during this period than did the ideas of poverty Himmelfarb portrays. It is not possible, therefore, to equate the writings of influential contemporaries with the behavior of society toward the poor.

This conclusion in no way detracts from the importance of The Idea of Poverty. It is a pioneering work, one that we can hope will lead to similar studies of other countries and time periods.

George R. Boyer
Assistant Professor
New York State School of Industrial and Labor Relations
Cornell University