

Citizenship and Social Class

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[...]

I propose to divide citizenship into three parts. [...] I shall call these three parts, or elements, civil, political and social. The civil element is composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice. The last is of a different order from the others, because it is the right to defend and assert all one's rights on terms of equality with others and by due process of law. This shows us that the institutions most directly associated with civil rights are the courts of justice. By the political element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body. The corresponding institutions are parliament and councils of local government. By the social element I mean the whole range, from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society. The institutions most closely connected with it are the educational system and the social services. [...]

By 1832 when political rights made their first infantile attempt to walk, civil rights had come to man's estate and bore, in most essentials, the appearance that they have today.¹ 'The specific work of the earlier Hanoverian epoch', writes Trevelyan, 'was the establishment of the rule of law; and that law, with all its grave faults, was at least a law of freedom. On that solid foundation all our subsequent reforms were built.' This eighteenth-century achievement, interrupted by the French Revolution and completed after it, was in large measure the work of the courts, both in their daily practice and also in a series of famous cases in some of which

they were fighting against parliament in defence of individual liberty. The most celebrated actor in this drama was, I suppose, John Wilkes, and, although we may deplore the absence in him of those noble and saintly qualities which we should like to find in our national heroes, we cannot complain if the cause of liberty is sometimes championed by a libertine.

In the economic field the basic civil right is the right to work, that is to say the right to follow the occupation of one's choice in the place of one's choice, subject only to legitimate demands for preliminary technical training. This right had been denied by both statute and custom; on the one hand by the Elizabethan Statute of Artificers, which confined certain occupations to certain social classes, and on the other by local regulations reserving employment in a town to its own members and by the use of apprenticeship as an instrument of exclusion rather than of recruitment. The recognition of the right involved the formal acceptance of a fundamental change of attitude. The old assumption that local and group monopolies were in the public interest, because 'trade and traffic cannot be maintained or increased without order and government', was replaced by the new assumption that such restrictions were an offence against the liberty of the subject and a menace to the prosperity of the nation. [. . .]

By the beginning of the nineteenth century this principle of individual economic freedom was accepted as axiomatic. You are probably familiar with the passage quoted by the Webbs from the report of the Select Committee of 1811, which states that:

no interference of the legislature with the freedom of trade, or with the perfect liberty of every individual to dispose of his time and of his labour in the way and on the terms which he may judge most conducive to his own interest, can take place without violating general principles of the first importance to the prosperity and happiness of the community.² [. . .]

The story of civil rights in their formative period is one of the gradual addition of new rights to a status that already existed and was held to appertain to all adult members of the community – or perhaps one should say to all male members, since the status of women, or at least of married women, was in some important respects peculiar. This democratic, or universal, character of the status arose naturally from the fact that it was essentially the status of freedom, and in seventeenth-century England all men were free. Servile status, or villeinage by blood, had lingered on as a patent anachronism in the days of Elizabeth, but vanished soon afterwards. This change from servile to free labour has been described by Professor Tawney as 'a high landmark in the development both of economic and political society', and as 'the final triumph of the common law' in regions from which it had been excluded for four centuries. Henceforth the English peasant 'is a member of a society in which there is, nominally at least, one

law for all men'.³ The liberty which his predecessors had won by fleeing into the free towns had become his by right. In the towns the terms 'freedom' and 'citizenship' were interchangeable. When freedom became universal, citizenship grew from a local into a national institution.

The story of political rights is different both in time and in character. The formative period began, as I have said, in the early nineteenth century, when the civil rights attached to the status of freedom had already acquired sufficient substance to justify us in speaking of a general status of citizenship. And, when it began, it consisted, not in the creation of new rights to enrich a status already enjoyed by all, but in the granting of old rights to new sections of the population. [. . .]

It is clear that, if we maintain that in the nineteenth century citizenship in the form of civil rights was universal, the political franchise was not one of the rights of citizenship. It was the privilege of a limited economic class, whose limits were extended by each successive Reform Act. [. . .]

It was, as we shall see, appropriate that nineteenth-century capitalist society should treat political rights as a secondary product of civil rights. It was equally appropriate that the twentieth century should abandon this position and attach political rights directly and independently to citizenship as such. This vital change of principle was put into effect when the Act of 1918, by adopting manhood suffrage, shifted the basis of political rights from economic substance to personal status. I say 'manhood' deliberately in order to emphasize the great significance of this reform quite apart from the second, and no less important, reform introduced at the same time – namely the enfranchisement of women. [. . .]

The original source of social rights was membership of local communities and functional associations. This source was supplemented and progressively replaced by a Poor Law and a system of wage regulation which were nationally conceived and locally administered. [. . .]

As the pattern of the old order dissolved under the blows of a competitive economy, and the plan disintegrated, the Poor Law was left high and dry as an isolated survival from which the idea of social rights was gradually drained away. But at the very end of the eighteenth century there occurred a final struggle between the old and the new, between the planned (or patterned) society and the competitive economy. And in this battle citizenship was divided against itself; social rights sided with the old and civil with the new. [. . .]

In this brief episode of our history we see the Poor Law as the aggressive champion of the social rights of citizenship. In the succeeding phase we find the attacker driven back far behind his original position. By the Act of 1834 the Poor Law renounced all claim to trespass on the territory of the wages system, or to interfere with the forces of the free market. It offered relief only to those who, through age or sickness, were incapable of continuing the battle, and to those other weaklings who gave up the

struggle, admitted defeat, and cried for mercy. The tentative move towards the concept of social security was reversed. But more than that, the minimal social rights that remained were detached from the status of citizenship. The Poor Law treated the claims of the poor, not as an integral part of the rights of the citizen, but as an alternative to them – as claims which could be met only if the claimants ceased to be citizens in any true sense of the word. For paupers forfeited in practice the civil right of personal liberty, by internment in the workhouse, and they forfeited by law any political rights they might possess. This disability of disfranchisement remained in being until 1918, and the significance of its final removal has, perhaps, not been fully appreciated. The stigma which clung to poor relief expressed the deep feelings of a people who understood that those who accepted relief must cross the road that separated the community of citizens from the outcast company of the destitute.

The Poor Law is not an isolated example of this divorce of social rights from the status of citizenship. The early Factory Acts show the same tendency. Although in fact they led to an improvement of working conditions and a reduction of working hours to the benefit of all employed in the industries to which they applied, they meticulously refrained from giving this protection directly to the adult male – the citizen *par excellence*. And they did so out of respect for his status as a citizen, on the grounds that enforced protective measures curtailed the civil right to conclude a free contract of employment. Protection was confined to women and children, and champions of women's rights were quick to detect the implied insult. Women were protected because they were not citizens. If they wished to enjoy full and responsible citizenship, they must forgo protection. By the end of the nineteenth century such arguments had become obsolete, and the factory code had become one of the pillars in the edifice of social rights. [. . .]

By the end of the nineteenth century elementary education was not only free, it was compulsory. This signal departure from *laissez-faire* could, of course, be justified on the grounds that free choice is a right only for mature minds, that children are naturally subject to discipline, and that parents cannot be trusted to do what is in the best interests of their children. But the principle goes deeper than that. We have here a personal right combined with a public duty to exercise the right. Is the public duty imposed merely for the benefit of the individual – because children cannot fully appreciate their own interests and parents may be unfit to enlighten them? I hardly think that this can be an adequate explanation. It was increasingly recognized, as the nineteenth century wore on, that political democracy needed an educated electorate, and that scientific manufacture needed educated workers and technicians. The duty to improve and civilize oneself is therefore a social duty, and not merely a personal one, because the social health of a society depends upon the civilization of its members. And a community that enforces this duty has begun to realize that its culture is an organic

capitalism. Such a view was encouraged by the fact that one of the main achievements of political power in the later nineteenth century was the recognition of the right of collective bargaining. This meant that social progress was being sought by strengthening civil rights, not by creating social rights; through the use of contract in the open market, not through a minimum wage and social security.

But this interpretation underrates the significance of this extension of civil rights in the economic sphere. For civil rights were in origin intensely individual, and that is why they harmonized with the individualistic phase of capitalism. By the device of incorporation groups were enabled to act legally as individuals. This important development did not go unchallenged, and limited liability was widely denounced as an infringement of individual responsibility. But the position of trade unions was even more anomalous, because they did not seek or obtain incorporation. They can, therefore, exercise vital civil rights collectively on behalf of their members without formal collective responsibility, while the individual responsibility of the workers in relation to contract is largely unenforceable. These civil rights became, for the workers, an instrument for raising their social and economic status, that is to say, for establishing the claim that they, as citizens, were entitled to certain social rights. But the normal method of establishing social rights is by the exercise of political power, for social rights imply an absolute right to a certain standard of civilization which is conditional only on the discharge of the general duties of citizenship. Their content does not depend on the economic value of the individual claimant. There is therefore a significant difference between a genuine collective bargain through which economic forces in a free market seek to achieve equilibrium and the use of collective civil rights to assert basic claims to the elements of social justice. Thus the acceptance of collective bargaining was not simply a natural extension of civil rights; it represented the transfer of an important process from the political to the civil sphere of citizenship. But 'transfer' is, perhaps, a misleading term, for at the time when this happened the workers either did not possess, or had not yet learned to use, the political right of the franchise. Since then they have obtained and made full use of that right. Trade unionism has, therefore, created a secondary system of industrial citizenship parallel with and supplementary to the system of political citizenship. [. . .]

A new period opened at the end of the nineteenth century, conveniently marked by Booth's survey of *Life and Labour of the People in London* and the Royal Commission on the Aged Poor. It saw the first big advance in social rights, and this involved significant changes in the egalitarian principle as expressed in citizenship. But there were other forces at work as well. A rise of money incomes unevenly distributed over the social classes altered the economic distance which separated these classes from one another, diminishing the gap between skilled and unskilled labour and

between skilled labour and non-manual workers, while the steady increase in small savings blurred the class distinction between the capitalist and the propertyless proletarian. Secondly, a system of direct taxation, ever more steeply graduated, compressed the whole scale of disposable incomes. Thirdly, mass production for the home market and a growing interest on the part of industry in the needs and tastes of the common people enabled the less well-to-do to enjoy a material civilization which differed less markedly in quality from that of the rich than it had ever done before. All this profoundly altered the setting in which the progress of citizenship took place. Social integration spread from the sphere of sentiment and patriotism into that of material enjoyment. The components of a civilized and cultured life, formerly the monopoly of the few, were brought progressively within reach of the many, who were encouraged thereby to stretch out their hands towards those that still eluded their grasp. The diminution of inequality strengthened the demand for its abolition, at least with regard to the essentials of social welfare.

These aspirations have in part been met by incorporating social rights in the status of citizenship and thus creating a universal right to real income which is not proportionate to the market value of the claimant. Class-abatement is still the aim of social rights, but it has acquired a new meaning. It is no longer merely an attempt to abate the obvious nuisance of destitution in the lowest ranks of society. It has assumed the guise of action modifying the whole pattern of social inequality. It is no longer content to raise the floor-level in the basement of the social edifice, leaving the superstructure as it was. It has begun to remodel the whole building, and it might even end by converting a skyscraper into a bungalow. It is therefore important to consider whether any such ultimate aim is implicit in the nature of this development, or whether, as I put it at the outset, there are natural limits to the contemporary drive towards greater social and economic equality. [. . .]

The degree of equalization achieved [by the modern system of welfare benefits] depends on four things: whether the benefit is offered to all or to a limited class; whether it takes the form of money payment or service rendered; whether the minimum is high or low; and how the money to pay for the benefit is raised. Cash benefits subject to income limit and means test had a simple and obvious equalizing effect. They achieved class-abatement in the early and limited sense of the term. The aim was to ensure that all citizens should attain at least to the prescribed minimum, either by their own resources or with assistance if they could not do it without. The benefit was given only to those who needed it, and thus inequalities at the bottom of the scale were ironed out. The system operated in its simplest and most unadulterated form in the case of the Poor Law and old age pensions. But economic equalization might be accompanied by psychological class discrimination. The stigma which attached to the Poor Law made 'pauper' a derogatory term defining

a class. 'Old age pensioner' may have had a little of the same flavour, but without the taint of shame. [. . .]

The extension of the social services is not primarily a means of equalizing incomes. In some cases it may, in others it may not. The question is relatively unimportant; it belongs to a different department of social policy. What matters is that there is a general enrichment of the concrete substance of civilized life, a general reduction of risk and insecurity, an equalization between the more and the less fortunate at all levels – between the healthy and the sick, the employed and the unemployed, the old and the active, the bachelor and the father of a large family. Equalization is not so much between classes as between individuals within a population which is now treated for this purpose as though it were one class. Equality of status is more important than equality of income. [. . .]

I said earlier that in the twentieth century citizenship and the capitalist class system have been at war. Perhaps the phrase is rather too strong, but it is quite clear that the former has imposed modifications on the latter. But we should not be justified in assuming that, although status is a principle that conflicts with contract, the stratified status system which is creeping into citizenship is an alien element in the economic world outside. Social rights in their modern form imply an invasion of contract by status, the subordination of market price to social justice, the replacement of the free bargain by the declaration of rights. But are these principles quite foreign to the practice of the market today, or are they there already entrenched within the contract system itself? I think it is clear that they are. [. . .]

I have tried to show how citizenship, and other forces outside it, have been altering the pattern of social inequality. [. . .] We have to look, here, for the combined effects of three factors. First, the compression, at both ends, of the scale of income distribution. Second, the great extension of the area of common culture and common experience. And third, the enrichment of the universal status of citizenship, combined with the recognition and stabilization of certain status differences chiefly through the linked systems of education and occupation. [. . .]

I asked, at the beginning, whether there was any limit to the present drive towards social equality inherent in the principles governing the movement. My answer is that the preservation of economic inequalities has been made more difficult by the enrichment of the status of citizenship. There is less room for them, and there is more and more likelihood of their being challenged. But we are certainly proceeding at present on the assumption that the hypothesis is valid. And this assumption provides the answer to the second question. We are not aiming at absolute equality. There are limits inherent in the egalitarian movement. But the movement is a double one. It operates partly through citizenship and partly through the economic system. In both cases the aim is to remove inequalities which cannot be regarded as legitimate, but the standard of

legitimacy is different. In the former it is the standard of social justice, in the latter it is social justice combined with economic necessity. It is possible, therefore, that the inequalities permitted by the two halves of the movement will not coincide. Class distinctions may survive which have no appropriate economic function, and economic differences which do not correspond with accepted class distinctions. [. . .]

Notes

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- 1 G. M. Trevelyan, *English Social History* (1942), p. 351.
- 2 Sidney and Beatrice Webb, *History of Trade Unionism* (1920), p. 60.
- 3 R. H. Tawney, *The Agrarian Problem in the Sixteenth Century* (1916), pp. 43–4.
- 4 P. Colquhoun, *A Treatise in Indigence* (1806), pp. 7–8.