

Introduction

Many everyday situations require some degree of engagement with the law. For example, the act of buying a loaf of bread in a shop is a simple one but, legally, is made possible through the legislation and regulations around hygiene, weights and measures, and customs and imports, as well as protections for both consumers and employees. Parking a car is not just about the technicalities of moving a car into a suitable spot but also about interpreting, often in a matter of seconds, a range of laws relating to public and private land, and the differences between the codification of best practice and the laws of the road. Some of this legal and related knowledge is provided through specific training and then tested, as in the case of learning to drive a car. Some paid jobs or forms of voluntary work have come to require knowledge of areas of the law, such as consumer law for retail workers or education law for school governors. Other parts of our everyday legal knowledge are passively acquired, perhaps through reading accounts of certain problems in a magazine or newspaper, or through following storylines in a soap opera. Aspects of the law may have been covered during citizenship classes in school. We may, through our absorption of the normative behaviour around us from early childhood, have a sense of what is 'right' and 'wrong' from observing others.

This everyday legal awareness is usually more than enough for a smooth passage through life. But what happens when things look like they might go wrong? Or when two opposing parties both think they are right? Or when dealing with a totally new situation? This is the point at which an individual might ask friends and family for advice, or search on the internet, perhaps posting on social media, or look up information in a book. Advice might also be sought in person, possibly by phoning a telephone service or consulting a website, or by going to a local branch of the Citizens Advice Bureau. Local community organisations may also offer advisory services, whilst community workers, religious leaders and social workers might also be able to help. A trade union representative might be able to give some advice in person, whilst the union is very likely to have its own advice and legal services. Advice can also be obtained from a lawyer. Home insurance policies often offer cover for

legal expenses and costs, as well as an advice phone line. Anyone can also walk into a legal firm's offices and gain their advice or services for an agreed payment. In some circumstances, it is possible for the cost of legal advice, any mediation work or representation in court to be paid for through the state legal aid scheme.

The term 'anyone' here is at once accurate and misleading. Indeed, anyone can ask a friend for advice on a dispute with a neighbour, but not everyone has friends who have the knowledge or expertise to give them a useful, legally informed answer. Likewise, whilst anyone can walk into a legal firm, perceptions of the expense of consulting a lawyer may deter some people from going in because they fear that they would not have the money to pay for the service – and perhaps they don't have a suitable problem, so it could be a waste of money and time. Simply approaching a lawyer may be daunting.¹ 'Anyone' is anyone with the requisite social, cultural and financial capital, as well as the legal literacy and confidence to seek help with their problems. It is by no means a given that 'anyone' can access good, reliable and accurate support in terms of their legal affairs, despite the numerous ways in which legal advice or advice on legal matters can be obtained.

The ubiquity of sources of legal advice (advice as provided by a lawyer) and advice on legal matters (advice provided by someone with sufficient legal expertise but who is not a lawyer) is easy to take for granted. Citizens Advice Bureaux have been a feature of town and city centres since the Second World War, whilst community centres – often offering advice shops – were developed from the 1930s with the growth of suburban housing estates.² Legal advice centres, which rely on either the voluntary work of lawyers and law students or a combination of public contributions, state and philanthropic grants, and legal aid funding, have been around in different forms since the 1890s.³ The idea of a little man against the big state or business drove the growth of the legal and consumer advice genres in newspapers, magazines, television, radio and online forums. New technologies have offered new ways of connecting advice-seekers with lawyers.⁴ For those who need action – from the writing of a letter to representation in court – but who cannot afford to pay for it, legal aid was introduced in England, Wales and Scotland in 1949, and in Northern Ireland in 1965.⁵

The growth of these civil law forms of support was highly contentious. The criminal law had a very different trajectory, to avoid miscarriages of justice.⁶ The civil law was a different matter, concerned as it was with such issues as divorce and family law, property and employment disputes. The established legal profession was loath to improve access to divorce in the interwar period and unwilling to promote litigiousness more generally amongst the working class. Yet members of the working classes still needed advice on civil law matters in terms of family or employment and increasingly needed guidance on welfare issues. This ran in tandem with the shift from discretionary practices

in welfare to the more rules-based and ‘scientific’ approaches encouraged by the Charity Organisation Society (COS) from the late 1860s, and embedded in the Liberal governments’ welfare schemes from 1906, as well as the growth of legislation that aimed to limit or prevent harm at work or in housing, for example.⁷ As welfare claims became more about satisfying rules and less about personal petitioning, the need for expert advice and guidance became more important. A solution emerged through the work of charities, in the form of ‘Poor Man’s Lawyer’ volunteering from the early 1890s. General William Booth of the Salvation Army called for a ‘Poor Man’s Tribune’ in his 1891 book, *In Darkest London and the Way Out*, to allow working-class Londoners the chance to benefit from legal advice on their problems, as their middle-class counterparts might. As will be seen in Chapter 2, this idea was developed by Frank Tillyard, then a young barrister in residence at Mansfield House University Settlement, into a scheme of volunteering by lawyers. Tillyard’s Poor Man’s Lawyer involved solicitors and barristers regularly giving over an evening to providing advice for free to those who came to the Settlement House.⁸ Tillyard took the concept to Sheffield and Birmingham, but his idea was also taken up by others at Settlement Houses, churches and community organisations like the Guild of Help in the 1890s and 1990s.

Whilst Poor Man’s Lawyer evenings could be very useful to individuals, such services were not uniformly spread across the country. Even where they were provided, access was usually limited to one or two evenings a week. Whilst the Legal Aid and Advice Act 1949 and the Legal Aid and Advice (Scotland) Act 1949 made provision for legal advice and aid to be available on a sliding scale of affordability, successive waves of governmental parsimony from the 1950s onwards resulted, first, in the partial implementation of the Act and, second, in very strict qualifying criteria around income and capital.⁹ Indeed, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) dramatically restricted the types of civil cases for which legal aid could be sought.¹⁰ In the 2010s, legal aid campaigners called for a more inclusive approach to legal aid and advice, very rightly pointing out the vital role that legal aid and advice play in ensuring that the most vulnerable members of society have their human rights upheld in the face of violence, corruption and discrimination.¹¹

Buying a loaf of bread or parking a car may seem to be a long way in conceptual terms from the upholding of human rights, as they are, ultimately, mundane and everyday events. Yet it is these personal, everyday problems as experienced by individuals and the people around them that collectively fold into much bigger questions about human rights, social justice, trust in systems, and the use and abuse of power. The cost, availability and quality of bread and food as a whole have been a lightning rod for political imbalances for centuries.¹² Amongst the things that brought people to queue up to see a Poor Man’s Lawyer were problems with landlords and employers: problems

experienced by individuals, but which signalled the presence of major and persistent social inequalities.

In the context of Britain, having the ability to tackle these personal problems or the ability to find help with them matters because it is part of being able to exercise one's rights as a citizen and, on a wider level, of upholding social justice. Unlike many other modern nation states, the United Kingdom of Great Britain and Northern Ireland does not have a written constitution. There is no Bill of Rights that outlines what the rights and responsibilities of a citizen are. Since the mid-nineteenth century, the amount of legislation has grown considerably, and it has also become highly complex.¹³ One of the drivers of this was the development of the welfare state. This process has created legislation and administrative structures that aim to protect citizens, at least in part, from the impact of unemployment or ill health, as much as trying to engineer a social good through the provision of education.

At the beginning of the period examined here, the state played little role in either regulating access to free or subsidised legal aid and advice or providing funds for this work. Access to welfare was shifting from a more discretionary to a rules-based system as legislation laying out restrictions or delineating rights increased. By the end, the state had rolled back some of the things that it would pay for but not the fundamental principle that it was the duty of the state to be responsible for upholding the rights of its citizens in this way. This marks a shift from seeing the responsibility for protecting rights as lying with private professional practitioners to the growing view that advice on legal and other aspects should be an element of the welfare state. This was, however, often in conflict with other views about the importance of maintaining a judiciary that was independent of the state. Great importance was also placed on the vitality of civil society organisations, such as trade unions, mutual aid associations and charities, as offering both services and associational life beyond or in place of anything offered by the state.¹⁴

A study of the historical development of legal aid and advice is necessarily a history of power, shifting imbalances and the desire for social justice. As Abel notes, the legal profession was dominated by middle-class men, and it was slow to diversify – if becoming a solicitor was somewhat more accessible. Women were excluded from both branches of the legal profession until the Sex Discrimination (Removal) Act 1919. People who were not British citizens were unable to qualify as solicitors until 1974, which excluded many black, Asian and minority ethnic people from joining the profession. The profession became younger and more diverse from the 1970s, partly through the lifting of restrictions on citizenship and the growth of university education as a precursor to a career in the law.¹⁵ As will be seen, free legal advice and aid were largely given by white male lawyers from privileged backgrounds, and they also dominated strategic decision-making. Advice-seekers, on the other hand, were diverse: male or female, of any age, able-bodied or disabled, of any

sexuality, of any religion and of any ethnic community. What united them was a need for assistance.

These imbalances were also embedded in the language of access to the law. From the twelfth century until the Legal Aid and Advice Act 1949, any form of support in legal matters, whether pro bono or through statutory provision, was couched in the language of paupers and of the 'poor', from the *in forma pauperis* to the Poor Man's Lawyer. The 'poor' was also a term that was used in a variety of formal and informal ways, and it was used by the legal profession and in legislation to refer to specific sections of the population. This usage continued into the mid-twentieth century, when in the aftermath of the Second World War, the language used to describe work on behalf of the 'poor' shifted dramatically. To this point, 'poor' had been both a broadly acceptable way of referring to those less well-off than oneself – the majority of the population – but it was also, most importantly, a term used in the law. Into the 1930s, it was perfectly acceptable to use such terms as 'Poor Persons' Rules', but the Legal Aid and Advice Act 1949 had pointedly dropped the term 'poor' in favour of 'persons of small or moderate means'.¹⁶ This shift in language does not reflect fashion: it reflects a change in the perceived relationship between the law and working-class citizens.

In Modern English, the words 'poor' and 'poverty' have Latin roots, as terms introduced by the Normans, who conquered England and parts of Wales. Latin became the language of the Church and officialdom. Whilst Old and Middle English had many synonyms for 'poor', these did not become the lingua franca or operate in the same way as 'the poor'. From the early Tudor period, the use of 'poor' in legislative language reflected contemporary distinctions between 'vagabonds and beggars', on the one hand, and the 'impotent poor', on the other. Legislation passed between the Statute of Cambridge in 1338 and Gilbert's Act of 1782 was collectively known as the [Old] Poor Laws. The New Poor Law was itself termed the Poor Law Amendment Act 1834. The *in forma pauperis* procedure was introduced through a statute in 1495, enabling those who were paupers – not just 'poor' but at this point, in receipt of the then-nascent Poor Law relief – to have a lawyer acting on their behalf without charge and with no fear of being charged court fees.¹⁷ As will be seen, the organised pro bono activities of the legal profession positioned the economic status of the recipient of the legal services first, as in the Poor Man's Lawyer. The reforms of the interwar period, around divorce and criminal law, used the same phrasing; namely, in the Poor Persons' Rules and the Poor Prisoners' Defence Acts of 1903 and 1930.

Why the emphasis on economic status? Funding for the courts came partly from the public purse, but the fees for solicitors and barristers were meant to be met by the plaintiff and the defendant. Various strategies were implemented for dealing with the costs of legal action involving those who could not afford to pay them. The introduction and expansion of free legal aid for

criminal cases in the early twentieth century was uncontroversial, because there was little desire to allow miscarriages of justice to take place, and, whilst the first Finlay Report of 1926 recommended improvements to the system, it concluded that the system was fundamentally working satisfactorily.¹⁸ The civil law was a different matter. Here, the legal profession had evolved to service the needs of those with property or looking to exchange it with others; it was also involved in enabling the business community to navigate its growing responsibilities in adhering to safety and financial regulation. The legal profession was not set up to include service to those without property or on the lowest incomes, because its *raison d'être* was to be a service to those with property. The potential for lawyers to provide legal advice in civil matters for the benefit of those who could not afford to pay for their services outright was contested and negotiated slowly both in England and Wales, as well as in the United States, Belgium and other Western nations.¹⁹

Not only did the civil law side of the profession have no reason to engage with the legal needs of the working classes in the nineteenth century, but also its social composition was resolutely middle-class.²⁰ Middle-class lawyers practising in an urban setting did not encounter the poor in the same ways that other professionals, such as doctors in voluntary hospitals, might have done. Whilst there were regular scares about the impact of unemployment and hunger on the working classes of London and other towns and cities, there is also evidence from the second half of the nineteenth century to the early twentieth that negative sentiments about the 'poor' were widespread. Unemployment was commonly understood as laziness or incompetence rather than as a result of cyclical downturns in the economy; poverty, likewise, was interpreted as being incapable of managing one's resources and being a slave to one's vices.²¹ As McKibbin points out, there was also a view amongst the middle classes that the working classes were problematic, calling endless strikes and living on dole money at the expense of the middle-class taxpayer.²² The legal profession had little reason to see the working classes as anything other than potential nuisances. The question is how the legal profession came to see the working classes as being one of the legitimate audiences for their work.

Researching the Poor Man's Lawyer

The earliest analyses of the development and impact of free legal advice work in Britain came from the practitioner-activist field. One of the earliest pieces of research into the provision of Poor Man's Lawyer work was undertaken by Gurney-Champion, a lawyer with strong connections to the settlement movement. He was given the task of mapping the provision of free legal advisory services on behalf of the Christian Conference on Politics, Economics and Citizenship (COPEC). In the early 1920s, COPEC was lobbying the

government to further investigate the provision of legal aid to the working classes, alongside other social issues.²³ Gurney-Champion's findings – that the existing voluntary system was inadequate and a system of legal dispensaries would be much more appropriate – were driven by his empirical research but equally reflected the concerns of the organisations with which he associated.²⁴

Two other works on voluntary-provided legal advice were published in the early 1940s. Again, these two came from the practitioner-activist field. J. Mervyn Jones's *Free Legal Advice in England and Wales* was prepared with funding from Trinity Hall at the University of Cambridge. Trinity Hall was one of the colleges that supported the Cambridge House University Settlement's Poor Man's Lawyer service. Jones offered a mapping of services across England and Wales rather than obvious polemic about the need for a national legal dispensary system. Yet the political dimensions were there: whilst Jones's tone may have been balanced, by delineating, mapping and describing, he was attempting to demonstrate the importance and scale of the movement by the late 1930s. The politics also extended to what was mentioned but then explicitly excluded from his study of Poor Man's Lawyer services. The first exclusion was the so-called 'ambulance-chasers', or legal firms who actively pursued accident victims to take out claims through them in order to profit from the costs, damages and compensation of a successful prosecution. The second and third exclusions were closely related. Jones excluded the trade unions because their member legal services were usually only for matters to do with employment, and he also excluded the political parties' legal advice clinics offered in London.

Egerton's *Legal Aid*, on the other hand, was concerned not just with mapping Poor Man's Lawyer-style provision but also with providing a synthesis of the historical development of legal aid up to the mid-1940s and the burgeoning demand for advice support. Egerton also called for major reform of the system. Egerton's book was published as the Rushcliffe Committee was considering reform of legal aid and advice, and offered a timely, strongly argued case for reform. Egerton was also active in the provision of free legal advice, working as a Poor Man's Lawyer at Cambridge House in the early 1940s before going on to be the Honorary Legal Advisor to the National Citizens' Advice Bureaux.²⁵

It is unsurprising that the first studies to explore and delineate the provision of free legal advice were written by practitioner-activists. All three mentioned here were trying to identify and add importance to the work that they and their colleagues were doing, as part of a bigger project to increase the amount of state involvement in upholding rights. After the partial implementation of the Legal Aid and Advice Act 1949, academic commentary tended to critique the scheme and its partial implementation.²⁶ This situation changed in the later 1960s, when there was a period in which university academics, charities, political law groups and foundations had the ear of government. Abel-Smith undertook three major studies of the legal profession and access

to justice, in conjunction with Stevens (1967 and 1968) and with Zander and Brooke in 1973.²⁷ Abel-Smith was one of the ‘Titmice’, academics who worked closely with Richard Titmuss at the London School of Economics in the 1950s and 1960s and who had close working relationships with the Labour Party.²⁸ The first, *Lawyers and the Courts*, was a groundbreaking sociological and historical study of the legal profession and the legal system in England, looking at the period from 1750 to 1965.²⁹ Stevens and Abel-Smith were highly critical of how less affluent Britons were neglected in this specific area of welfare, pointing to how

By 1965 education and health services were available to all irrespective of income. The same could not be said of England’s legal services and legal institutions – and yet many claimed that they represented the very fabric of the democratic state.³⁰

Their position in *In Search of Justice* remained as critical, pointing to the ways in which the legal profession expected to cater only to the middle and upper classes, despite the provision of legal aid and years of pro bono voluntary work being undertaken.³¹ As Sheard notes, the legal profession’s response to both books’ call for rapid social and legislative change was one of distaste.³² These emphases on the role of the legal profession in being part of the welfare state and the intricate relationship between the public and the law of the country were part of a process of the radical thinking of what it meant to be a citizen in a country with a universal franchise, a welfare state, mass literacy and growing affluence.

Abel-Smith and Stevens opened a space for a critical understanding of law in everyday life. This was also a space that was deeply influenced by developments in policy, practice and academic research in the United States around the question of access to justice. Carlin, Howard and Messinger’s *Civil Justice and the Poor* was highly influential on both sides of the Atlantic in highlighting the imbalances in access to justice and framing it as a civil rights issue, shaped by poverty, class and race.³³ Abel-Smith, Stevens and others spent time in the United States, studying the ‘neighborhood law offices’ that were created in the light of President Lyndon Johnson’s ‘War on Poverty’.³⁴ Whilst one result of this was the creation of Neighbourhood Law Centres, the other was academic interest in access to the law and its relationship to social inequalities. In terms of British research, Paterson’s *Legal Aid as a Social Service* explored the tensions between the legal profession and the idea and practice of legal aid as a social good, and the profession’s begrudging acceptance of the need to do something about widening access to the law.³⁵ Paterson has also contributed to our understanding of how the concept of ‘access to justice’ became an important principle for organising community legal work. He is highly critical of a profession that has had the privilege of defining what is or

is not a public good whilst simultaneously excluding lay people from making any contribution to this. Further, he has also drawn attention to the ways in which politicians in the Attlee governments of 1945–51 enacted the Legal Aid and Advice Acts for England and Scotland, yet at the same time ‘did not see law as a way of enforcing the new welfare rights – and neither [did] Beveridge, the architect of the welfare state’.³⁶ Spencer’s work on the Attlee governments and the creation of the legal aid scheme points to how the scheme was an acknowledgement of the potential of the law to help people in need but was couched in a deeply conservative view of what the legal profession was, with little consideration of what it *could* be.³⁷

This question of who the law is for, and how it should be used, also informs research by Goriely, who has examined the debates within the legal profession about creating and extending legal aid provision in response to growing demand for divorce during the First World War and up to the outbreak of the Second. Goriely emphasises the importance of voluntary legal services in establishing the ideals and priorities of the legal profession, and also of marking the status boundaries between solicitors and barristers, though her emphasis is largely on the legal profession.³⁸ She has also explored the development of legal aid since the 1950s, exploring the development of Neighbourhood Law Centres by groups on the left of the political spectrum in the 1970s and the Thatcher governments’ embracing of consumer rights and reduction of the public sector in the 1980s.³⁹ The importance of divorce as a pressure on the legal profession to at least consider some sort of reform, and the ways in which such reform was piecemeal and often half-hearted, is also a finding of both Morgan and Abel.⁴⁰

Although the legal academics mentioned earlier have considered the voluntary action undertaken by both branches of the legal profession and its relationship to the economics and business of law, as well as the evolving sense of the need for the legal profession to better serve society, their approach is ultimately (and appropriately) lawyerly. Their starting point, as lawyers and legal academics, was with the legal profession and its concerns, focusing on the relationships between the Law Society and the Bar Council with the legislature – mainly the Lord Chancellor’s Office and the Treasury. Historians of Britain in the twentieth century have tended to approach legal advice and legal aid as instruments in a bigger political, social or cultural picture. For historians of family and romantic relationships, such as Cohen and Langhamer, the impact of access to divorce lawyers and growing legislation around sexuality, adoption and domestic violence is an important dimension of their work.⁴¹ Questions of advice and advocacy, and who could provide this, have arisen in studies of the Co-operative Movement, campaigns against rationing, and the emerging ‘consumer-citizen’ of the 1950s and 1960s.⁴² The new political history of the 1990s and 2000s, and its emphasis on the ways in which citizens engaged, or failed to engage, with political parties and social

movements, has also considered the question of legal and other advice, albeit in passing. For example, Fielding et al. mentioned the work of Constituency Labour Parties in providing advice to their local communities, whilst Thorpe has examined the work of the Conservatives and the Labour Party in providing advice bureaux during the Second World War.⁴³ The advice and advocacy work of national organisations such as the National Council for Civil Liberties (NCCL), the Child Poverty Action Group (CPAG) and others has also been explored by historians such as Moores, and Thane and Davidson, whilst Jones has looked at community organisation at a local level.⁴⁴ In terms of voluntary action and welfare, however, historians have largely focused on the organisations that provided advisory services, such as the Citizens Advice Bureaux or as part of the activities of settlement houses.⁴⁵

The history of legal aid and advice, and advisory services generally, was influenced by practitioner-activists, who were keen to delineate what legal advice was (and what it was not) as part of making a case for greater intervention. This has created a literature that, on the socio-legal side of things, is based largely on the responses of the legal profession to demands for change and their negotiations with the government. On the social, cultural and political side of the literature, access to affordable, reliable and accessible advice, legal or otherwise, was very important in many areas, from the reformation of the role of the MP to supporting the interests of needy families. It cut across different parts of the economy, from charitable and voluntary organisations through to the growing welfare state, and through a raft of different parts of the private or profit-making sector. Although work on the consumer-citizen has addressed the intersections between individual consumers, consumer groups, manufacturers, retailers and regulators, historians of voluntary action and welfare have tended to focus on charities, non-governmental organisations and the state, rather than straying into looking at the work of the private sector or those whose individual work was intended to make a profit. This is generally true of voluntary action and welfare history of the twentieth century, though historians working on the funding of voluntary hospitals and medical care are an important exception to this rule.⁴⁶

In consequence, there is a considerable gap in our understanding of the role that legal aid and advice has played in the lives of working- and lower-middle-class Britons, especially those who did not regularly encounter lawyers. There are also parallels to be drawn between interactions between the public and professionals in different welfare arenas, with the most apparent contrast being between the medical and legal professions. There is, finally, the issue of the extent to which private or profit-making bodies are involved in providing social goods and how this has changed during the twentieth century. These gaps lead to a series of questions. In what ways was 'the law' harnessed as a means of developing citizenship? To what extent did the provision of legal aid and advice intersect with the development and growth of the

welfare state? Or the interests of other professions, industries and interests, such as the media, the publishing industry and the major political parties? How did ideas about money, justice, and the independence of professions and civil society institutions from the state intersect?

This book seeks to address these questions through examining how legal and other types of advice were provided on an accessible basis to the public from the 1890s. This could be advice given for free, or free on the grounds of a means test, or with a contribution made to the costs of the advice and action. It could also be available in less affluent areas, at a time or place to suit residents, or accessed remotely. The public in this context usually meant members of the working classes and the less affluent parts of the middle classes, but class background was not always a reliable guide to whether an individual would be able to afford legal aid and advice on a commercial basis. Chapter 1 maps the policy developments in the funding of legal aid and advice by the government from the late nineteenth century to the 1980s. It establishes the landscape in terms of the legal profession and the government, and maps the overarching debates about class, morality, litigation and money that form the background to the situations and processes examined in the following chapters.

There were four broad constituencies with an interest in facilitating access to the law in the first half of the twentieth century: the proto-voluntary sector; the political parties and their affiliate groups within the legal profession; the trade unions; and the media. Chapter 2, therefore, looks at the efforts to create a Poor Man's Lawyer movement from the later nineteenth century, which intersected with efforts to better implement charitable services to needy individuals and communities. Advice was a critical element of the work of the institutions that were associated with the National Council of Social Service (NCSS), the British Association of Residential Settlements (BARS) and other groups with a keen eye on positioning themselves as the experts on 'welfare' and building up closer relationships with local and national government. Such Poor Man's Lawyer work was positioned as 'neutral' by interwar researchers like J. Mervyn Jones, but it sat in contrast to overtly political provision by political parties. Chapter 3 examines the ways in which the Labour Party and the Conservatives offered legal advisory services as a means of connecting with voters by solving their problems. It also explores the wider role of lawyers in the Labour Party and the involvement of radical lawyers' groups in encouraging the view that the workers were as much the business of lawyers as any other group in society. Chapter 4 explores the involvement of the trade unions in shaping policy around legal aid and in providing legal services to their members through their mutual aid provision. Chapter 5 also looks at the trade publishing of popular law guides and the use of this part of the publishing industry by consumer groups and campaigning bodies as a means of literally putting the law in the hands of their members. It also evaluates the

provision of advice columns and features in newspapers, alongside the provision of free-to-access advice bureaux. Radio programming around rights and advice is also considered, as an evolution of the principle of ‘public service broadcasting’. It also looks at the way in which new telephone technologies were harnessed to help support advice-seekers who could not attend a clinic in person for reasons of either distance or personal safety. Finally, Chapter 6 explores the ways voluntary providers of legal advice managed a volatile funding climate, and the impacts of shifts in city, local and central government funding on such precarious institutions.

Why look at the 1890s to the 1990s? As will be seen in Chapters 1 and 2, the idea of a Poor Man’s Lawyer was by no means a new one in the nineteenth century. What was new was its harnessing by charities and voluntary associations whose aim was to try to first alleviate and ultimately eradicate poverty in the 1890s. Legal advice formed part of their understanding that the working classes needed to be given the tools – either through their personal education or through having access to people with expertise – to be effective citizens. This in turn formed part of the growing pressure to enfranchise all working men. It found resonance amongst members and supporters of the Liberal Party and then within the new Labour Party, especially during the interwar period. During the interwar period, the expansion of a network of Poor Man’s Lawyer services as part of a proto-voluntary sector, along with an emerging left-wing network of lawyers, helped to create an environment in which access to the law could be part of the welfare state. Although the Rushcliffe and Cameron Reports of 1945 recommended the introduction of legal aid, and their proposals met with favour from Labour and the Conservatives, legal aid did not receive the same power and energy in being pushed through as other welfare initiatives of the Labour governments did. Legal aid also remained in the hands of the legal profession, as the Law Society managed the scheme until the Legal Aid Act 1988 shifted the responsibility to central government. Although there were other areas in which the provisions of 1948 were rolled back for reasons of cost, the legal aid budget was hit by successive waves of governmental parsimony throughout the post-war period. As will be seen, particularly in Chapter 6, this meant that the free legal advice centres were never able to plan to consolidate or expand their services or to know whether they would be put out of business by a new, enhanced legal aid scheme. They were joined in the 1970s by the Neighbourhood Law Centres and supported by new networks to share expertise and build capacity. All were affected to varying degrees by a volatile environment in terms of access to funding throughout the 1970s and 1980s. This study ends around the year 1990, because this period marks the point at which the Legal Aid Act 1988 created a new system for organising legal aid and transferred responsibility from the Law Society to the new Legal Aid Board. Although a mixed economy of legal advice and aid provision has continued into the twenty-first century, the Legal Aid Act 1988

effectively ended the environment created by the campaigns of the 1920s and 1930s and the Legal Aid and Advice Act 1949.

Methodological issues emerge with any study of advice that attempts to stray from an institutional perspective. Throughout the twentieth century and beyond, advice was provided verbally in many cases – largely because that was all that was needed. As researchers in the 1920s and 1930s found, very few Poor Man’s Lawyer services had any form of clerking system. In some cases, letters from legal advice centres were kept for future reference, but these tend to appear occasionally in the archives of organisations.⁴⁷ Many more may survive in individuals’ personal papers – an example of these being the letter my grandfather received from the *Daily Mirror*’s Philip Wright Readers Service, which was uncovered and then subsequently disappeared in the process of clearing his house after his death in 2008. The John Hilton Bureau of the *News of the World* retained some sample letters sent to members of the public and a selection of letters sent in by people who had benefited from its service, but these are a tiny fraction of the letters it sent out. Through the publications and broadcasts, we have a clear sense of what blanket advice was given. In gauging a sense of what problems people took to advisory services, we are reliant on the ways in which those services recorded the complaints that people brought. At the time of writing, only the papers of the Mary Ward Settlement and Brighton Legal Advice Centres are available to the public – and then, only the operational papers of the groups, not case papers. Any papers relating to cases are restricted by privacy laws for a minimum of fifty years, which means that the Toynbee Hall papers are closed until the 2050s.⁴⁸ However, the voluntary provision of legal advice was researched at the time by individuals associated with proto-voluntary sector organisations like COPEC and the NCSS; there is a reasonable degree of rigour in these research projects, even if some of the sources have a tendency towards impressionistic accounts of their subject.⁴⁹ Engagement with umbrella groups throughout the period also provides a means of assessing the extent of services, the diversity within the sector, and the kinds of issues and concerns that providers had through the papers, publications and correspondence. Aside from extant oral histories and radio or television programmes, this is largely a history that relies upon the written word of those who provided these services rather than the voices of those who used them.

Notes

- 1 See A. Paterson, *Legal Aid as a Social Service* (London: Cobden Trust, 1971), p. 16; *Justice for All* (London: Fabian Society, 1968), pp. 22–3.
- 2 O. Blaiklock, ‘Advising the Citizen: Citizens Advice Bureaux, Voluntarism and the Welfare State in England, 1938–1964’ (PhD dissertation, Kings College London, 2012); S. Kirwan, M. McDermont and J. Clarke, ‘Imagining and

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