

'mineolas' (middle income no longer eligible for legal aid) but disadvantage those who formerly qualified for legal aid since they may lose more of their 'just deserts' if they win. As an alternative to Criminal Legal Aid, the government has recently set up some pilot 'public defender schemes', first in Scotland and then in England, in which legal aid pays the salaries of public defenders. Whether this will actually save money remains to be seen. The government has also introduced a new method of paying for legal services in England and Wales. Known as 'contracting', it restricts the provision of legal services to organizations with contracts. Contracting serves as a vehicle for quality assurance but has reduced the number of firms offering legal aid. In an attempt to keep cases out of the courts, the government has encouraged, and sometimes required, litigants to seek agreement through alternative dispute resolution, i.e. mediation and conciliation, before bringing their dispute to court, and has reformed court procedures by giving judges greater powers over case management. For those who do go to court, a number of court-based advice centres, which aim to meet the needs of unassisted litigants, have recently been established.

Publicly-funded law centres, staffed by salaried solicitors (and other paralegals, e.g. community workers) and usually located in areas of social deprivation, constitute an alternative model of service provision. Because they do not need to earn fees, they are able to address the needs of the local community and consider the best ways of meeting them (either individually or collectively and by legal or other means). The first law centre in the UK opened in 1970 but the establishment of further such centres was initially opposed by solicitors (who saw them as a threat) and by central government and local authorities (which were often opposed to their 'political' stance and campaigning activities). Although opposition subsequently died down, the develop-

ment of law centres in the UK has been very patchy – less than a hundred have been established, of which about sixty are still operational. Their work is largely in fields like housing, immigration, public health, social security and debt: the kinds of cases that are not undertaken by many solicitors in private practice.

The diversity of legal aid schemes that now exist in the UK reflects a growing awareness of the complexity of the problems faced by those who need legal advice, assistance or representation. The remits of the Community Legal Service, which replaced the Legal Aid Board in 2000 and is responsible for the provision of legal services in England and Wales, and the Scottish Legal Aid Board, which still has this responsibility in Scotland, embrace the local assessment of needs, the identification of priorities, strategic planning of services to meet priority needs, and a willingness to consider alternatives to the private practice model, and are much wider than those of their predecessors in the early days of legal aid.

See also: anti-poverty policies; citizenship; criminal justice and crime control; equality; family law; justice; law; means-testing; needs; social rights

Further reading

- Lewis, P. (1973) 'Unmet Legal Needs', in Morris, P., White, R. and Lewis, P. (eds) *Social Needs and Legal Action*, Oxford: Martin Robertson, pp. 73–97.
 Paterson, A. and Gorely, T. (eds) (1996) *A Reader on Resolving Civil Justice*, Oxford: Oxford University Press.

MICHAEL ADLER

LEO XIII

1810–1903

Pope

Born as Gioacchino Vincenzo Raffaele Luigi, he studied theology and law, obtaining a doctorate in theology in 1832.

He was ordained to the priesthood in 1837 and distinguished himself for several reasons, one of which was by arranging for a more just distribution of taxes and duties. Between 1841 and 1843 he improved the material conditions of Perugia and introduced a more effective administration of justice. He also began a savings bank to assist small tradesmen and farmers with loans at a low rate of interest and reformed educational methods. He later lived and worked in Perugia from 1846 to 1878, becoming cardinal in 1853. During this period he was most notable for instituting a series of reforms to educational establishments and for other charitable works. In August 1877 Pope Pius IX appointed him *cardinal protopope*. When Pius IX died the following year Cardinal Pecci was elected by 44 votes out of 61, becoming Pope Leo XIII on 20 February 1878. In terms of social policy his most obvious contribution as pope came through the 1891 encyclical 'Rerum Novarum'. Although this attacked socialistic doctrines as misguided, it called for efforts to end economic exploitation and social injustice, greater cooperation between capital and labour, and for Christians to address social problems more thoroughly. The encyclical had considerable influence throughout Central Europe, though with some advocates leaning towards the political left and some towards the political right. In 1901 the encyclical 'Graves de Communi' attempted to resolve the dispute. The movement for Christian Democracy is perhaps the most successful and enduring outcome of Leo XIII's influence on social matters.

TONY FITZPATRICK

LESS ELIGIBILITY

This principle was explicitly enunciated in respect of the British Poor Law reforms of 1832. It may be simply defined as the principle that anyone acquiring state

support should not be provided with a standard of life better than that which they could obtain through labour market participation. It still has an influence upon the setting of the scales of support for people seeking social assistance. However, while it was a simple principle to apply in an age when wages were largely uniform and expectations of social support were very low, it poses more complex questions today. In particular there are questions about whether the reference point should be the lowest available wages, or the wages that are likely to prevail for the individual (taking in to account their qualifications and experience), or the wages the person acquired in their last job. Another complication arises from the fact that temporary concerns about family needs and family poverty require distinctions to be made between individual needs and family needs.

In the late nineteenth century a distinction was increasingly made, in the application of the principle, between need arising from unemployment and need arising from sickness and incapacity (including incapacity due to old age). Today it tends only to be applied in situations in which there is an expectation of easy return to labour market participation, and thus to unemployment, together with in some cases need arising from short-term sickness and single parenthood.

Additionally the development of social insurance, providing benefits in return for contributions, and in many countries (particularly in Continental Europe) setting payment rates in relation to previous earnings, tended also to contribute to a move away from a strict application of the less eligibility principle.

An important consideration in 1832 was the government's desire to bring to an end the Speenhamland system of wage subsidy, which required therefore rather strict attention to making relief payments below wage levels. The move in the UK after