

Obligation,  
Entitlement  
and Dispute under  
the English Poor Laws



# Obligation, Entitlement and Dispute under the English Poor Laws

Edited by

Peter Jones and Steven King

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## CHAPTER ONE

# OBLIGATION, ENTITLEMENT AND DISPUTE: NAVIGATING THE ENGLISH POOR LAWS 1600-1900

PETER JONES AND STEVEN KING

### Introduction

The last two decades have witnessed a re-energisation of studies of the British and Irish poor laws.<sup>1</sup> An older historiography that focussed on questions of administration and organisation, acts of Parliament, institutions, micro-studies of who got what in terms of welfare benefits and a general sense of periodic crises in the poor laws and their legitimacy has given way to more nuanced and expansive perspectives. Continuity as well as change and the essential flexibility of practice under the Old Poor Law (1601-1834) in particular have increasingly emerged from detailed micro-studies. “The poor” are no longer seen as a lumpen mass and the category has been dissected so as to provide detailed perspectives on the experiences of the aged, children, disabled, widowed, unemployed and sick, particularly under the Old Poor Law.<sup>2</sup> For the New Poor Law (1834-

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<sup>1</sup> The Irish welfare system has been subject to particularly intense scrutiny compared to the other countries of the Celtic fringe. See V. Crossman, *Poverty and the Poor Law in Ireland, 1850-1914* (Liverpool, 2013); M. Cousins, *Poor Relief in Ireland, 1851-1914* (Oxford, 2011); V. Crossman and P. Gray (eds.), *Poverty and Welfare in Ireland 1838-1948* (Dublin, 2011); and D.S. Lucey, ““These Schemes Will Win for Themselves the Confidence of the People’: Irish Independence, Poor Law Reform and Hospital Provision”, *Medical History*, 48 (2014), pp.46-66.

<sup>2</sup> S. Ottaway, *The Decline of Life. Old Age in Eighteenth Century England* (Cambridge, 2004); N. Goose, “Poverty, Old Age and Gender in Nineteenth-Century England: The Case of Hertfordshire”, *Continuity and Change*, 20 (2005), pp.351-84; A. Levene, *The Childhood of the Poor: Welfare in Eighteenth Century London* (Basingstoke, 2012); and R. Wall, “Widows, Family and Poor Relief in

1929), focus has shifted from the workhouse as an institution of incarceration to a place that played a more positive part in the makeshift economies of the poor and rapidly developed into a place of medical care for the aged and most vulnerable.<sup>3</sup> These reconsiderations of the poor laws coincide with similar developments in the study of welfare systems for continental Europe and we now have a keen sense that the English and Welsh Old Poor Law in particular was not, as once claimed, a unique structure. Rather, it sits on a spectrum of European practice and experience which could run from no systematised welfare at all through to highly organised and taxpayer funded relief initiatives responding to demographic, military or economic crisis.<sup>4</sup> The tripartite conundrum shaping community attitudes to poverty – how to define citizenship and belonging; what basket of welfare rights and benefits to adhere to citizenship; and how to deal with those who did not “belong” – was a common one and yielded many shared responses even before the convergence of European welfare sentiments and solutions from the 1870s.

British historiography has also witnessed attempts to explore and reconsider the development of welfare law. Joanna Innes, for instance, has suggested that localities and local figures were crucial to the making and amendment of national laws in the eighteenth and early nineteenth centuries, creating a strong conduit between local and central states.<sup>5</sup> At the other end of the period covered by our volume, Elizabeth Hurren has demonstrated that circulars, judgements, inspection and moral pressure could coalesce to create a crusade against outdoor relief which had little basis in law but nonetheless profoundly affected the welfare situation of a

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England from the Sixteenth to the Twentieth Century”, in B. Moring (ed.), *Female Economic Strategies in the Modern World* (London, 2012), pp.46-69.

<sup>3</sup> For a survey of the literature see S.A. King, “Poverty, Medicine, and the Workhouse in the Eighteenth and Nineteenth Centuries: An Afterword”, in J. Reinartz and L. Schwarz (eds.), *Medicine and the Workhouse* (Rochester, 2013), pp.228-52.

<sup>4</sup> J. Innes, S.A. King and A. Winter, “Settlement and Belonging in Europe, 1500-1930s: Structures, Negotiations and Experiences”, in S.A. King and A. Winter (eds.), *Migration, Settlement and Belonging in Europe 1500-1930s* (Oxford, 2013), pp.1-28; E. van Nederveen Meerkerk and D. Teeuwen, “The Stability of Volunterism: Financing Social Care in Early Modern Dutch Towns Compared with the English Poor Law, c.1600-1800”, *European Review of Economic History*, 18 (2013), pp.82-105.

<sup>5</sup> J. Innes, *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain* (Oxford, 2009), pp.78-105.

considerable number of paupers in the 1870s.<sup>6</sup> Above all, Lori Charlesworth has argued that because the English and Welsh poor laws gave people a right to apply to their parish of settlement for welfare, imposed an obligation on parishes and the unions to consider such applications, and afforded all paupers a route of appeal in the event that they were turned down, a right to relief existed from 1601 onwards.<sup>7</sup> We should approach such claims with caution – a right to be considered for relief did not equate to a right to receive it, and there is considerable evidence that many paupers were turned down and never used any right of appeal. But Charlesworth’s placing of the law once more at centre stage is an important development of the poor law historiography.

In turn, a reconsideration of the law is related to a vibrant debate about the spatial dynamics of welfare. The fact that individual parishes under Old Poor Law legislation retained considerable autonomy over how they defined and treated poverty has long been established. This was after all a *discretionary* system. The impact of this autonomy in terms of the variability of practice between places and in the same place over time has been expertly visited by Steve Hindle, who argues that intra-regional variation in spending and policy was more pronounced than that between different areas of the country.<sup>8</sup> Parishes were, in many senses, welfare republics in which a delicate balancing of the depth of welfare resources, potentially unlimited demand, custom, understandings of the law and the need to vary policy during periods of crisis, created a rich and unsystematic patchwork of variable practice. For the Old Poor Law this view has been contested by Steven King who, allowing for “intra-regional noise” linked to periods of crisis or particular administrators, argues that in terms of per capita relief spending, official sentiment, traditions of support to paupers and applications refused it is possible to see broad spatial regularities in the nature of poor law practice. In England and Wales this might equate to more exclusionary and disciplinary regimes in the north and west of the country and more obligatory and inclusive poor law practice in the south, midland and east.<sup>9</sup> Rather less work has been done on the regionality of the New Poor Law, even though it is clear that the

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<sup>6</sup> E. Hurren, *Protesting about Pauperism: Poverty, Politics and Poor Relief in late-Victorian England, 1870-1900* (Woodbridge, 2007).

<sup>7</sup> L. Charlesworth, *Welfare's Forgotten Past: A Socio-Legal History of the Poor Law* (Abingdon, 2010).

<sup>8</sup> S. Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England, c.1550-1750* (Oxford, 2004).

<sup>9</sup> S.A. King, “Welfare Regimes and Welfare Regions in Britain and Europe, c.1750-1860”, *Journal of Modern European History*, 9 (2011), pp.42-66.

1834 act establishing the new system merely imprinted poor law unions onto existing inter-parochial and inter-regional diversities of practice. We revisit this question in chapter ten of the current volume. For now, other commentators, drawing upon poor law related data such as the incidence of bastardy, medical negligence claims and the trade in dead bodies, have clearly detected nineteenth-century spatial regularities though they do not yet agree on the exact patterning.<sup>10</sup> Against this broad spatial debate London, so often in the past a gaping hole in our understanding of the mechanics of poor relief, has been subject to rich and extended scrutiny which collectively locates the metropolis as a microcosm of the fluidity of poor law sentiment and practice that we detect in the country as a whole.<sup>11</sup>

While such spatial variability is in part explained by the complexion of local poverty, it also reflects the way officials approached the question of welfare for migrants. Even after the advent of the New Poor Law in 1834, parishes remained the basic accounting units for the raising and spending of resources.<sup>12</sup> This fact, when set against the protracted attempt to deal with the migrant poor in a union context between 1846 and the 1860s, meant that at any point in time a parish would be host to migrants whose welfare was the legal and financial responsibility of another parish, whilst some of those for whom it was responsible lived elsewhere. Notionally subject to removal from a host to a settlement parish in the event that they fell into poverty, it is striking how few of these migrants were in fact

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<sup>10</sup> See M. Lyle, “Regionality in the Late Old Poor Law: The Treatment of Chargeable Bastards from Rural Queries”, *Agricultural History Review*, 53 (2005), pp.141-57; E. Hurren, *Dying for Victorian Medicine: English Anatomy and its Trade in the Dead Poor c.1834-1929* (Basingstoke, 2011); K. Price, *Medical Negligence in Victorian Britain: The Crisis of Care Under the English Poor Law 1834-1900* (London, 2015).

<sup>11</sup> K. Siena, *Venerable Disease, Hospitals and the Urban Poor: London's 'foul wards', 1600-1800* (Rochester, 2004); E. Murphy, “The New Poor Law Guardians and the Administration of Insanity in East-London, 1834-1844”, *Bulletin of the History of Medicine*, 77 (2003), pp.45-74; D. Green, *Pauper Capital: London and the Poor Law, 1790-1870* (Aldershot, 2010); J. Boulton and L. Schwarz, “The Medicalisation of a Parish Workhouse in Georgian Westminster: St Martin in the Fields, 1725-1824”, *Family and Community History*, 17 (2014), pp.122-40; L. Mackay, *Respectability and the London poor, 1780-1870: The Value of Virtue* (London, 2013); Levene, *The Childhood of the Poor*.

<sup>12</sup> Though see the argument that centrally imposed accounting mechanisms and standards increasingly made the Union Clerk the key actor in accounting for the New Poor Law, in V. Care, “The Significance of a ‘Correct and Uniform System of Accounts’ to the Administration of the Poor Law Amendment Act, 1834”, *Accounting History Review*, 21 (2011), pp.121-42.

removed.<sup>13</sup> Rather, parishes under both the Old and New Poor Laws entered into a series of bilateral agreements – the so called out-parish system – whereby resources would be transferred between accounting units so as to allow most paupers for most of the time to stay in their current place of residence. At the core of this arrangement lay the expectation of fair and prompt dealings between parish officers, a system of trust deeply entwined with traditional approaches to credit in early modern England.<sup>14</sup> The out-parish system epitomises the essentially pragmatic nature of poor relief policy, a feature that has increasingly been established as the cornerstone of modern poor law historiography.

In turn, a by-product of the out-parish system was a series of correspondence – from paupers to officials in their host and settlement parishes, from advocates for the poor to settlement parishes, from paupers and advocates to the central authorities under the New Poor Law, and between officials themselves – the exploitation of which has driven a radical re-conceptualisation of pauper agency and experience. We now know that the pauper letter<sup>15</sup> collections identified for Kirkby Lonsdale (by James Stephen Taylor) and Essex (by Thomas Sokoll) are the tip of an epistolary iceberg of direct pauper correspondence under the Old Poor Law.<sup>16</sup> The size of retained collections varies radically by county, from a few dozen in Nottinghamshire to many hundreds in Lancashire, Gwent or Northamptonshire but it is quite clear from vestry minutes and other poor law sources that many more pauper letters were sent and received than have survived. Such collections are augmented by significant numbers of narratives from those actively representing the poor, including vicars, landlords, kin, neighbours, friends, employers and (most numerous of all) overseers themselves. Of course, these sources are not unproblematic, raising important questions of authorship, authenticity, the potential for embellishment and representativeness, the latter because almost all of the correspondence relates to those “out of their place” at the time they fell

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<sup>13</sup> S.A. King, “Poor Relief, Settlement and Belonging in England 1780s to 1840s”, in King and Winter, *Migration, Settlement and Belonging*, pp.81-101.

<sup>14</sup> See C. Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Basingstoke, 1998).

<sup>15</sup> On the nature, construction and reading of pauper letters see T. Sokoll, *Essex Pauper Letter 1731-1837* (Oxford, 2001), pp.1-70.

<sup>16</sup> T. Sokoll, “Old Age in Poverty: The Record of Essex Pauper Letters, 1780-1834” and J.S. Taylor, “Voices in the Crowd: The Kirkby Lonsdale Township Letters, 1809-36”, both in T. Hitchcock, P. King and P. Sharpe (eds.), *Chronicle of Poverty: The Voices and Strategies of the English Poor 1640-1840* (Basingstoke, 1997), pp.127-54 and 109-26 respectively.

into poverty. Yet, most of those working on these sources consider that the potential for inspection limited the scope for lies and embellishment; that letters tended to be written by the paupers who signed them; and that the words, sentiments and practical and rhetorical strategies employed in pauper letters probably mirrored those used in face-to-face relationships by the settled poor approaching vestries or overseers of the poor.

Judged in this way, pauper letters and the wider nexus of correspondence within which they were enmeshed suggest persuasively that paupers were not simply subject to the Old Poor Law and its officials. Rather, they had agency and developed complex rhetorical and referential strategies to try and establish their eligibility for new or continuing welfare payments. Such paupers rarely referred to their “rights” as opposed to providing yardsticks of deservingness, much as one would expect under a discretionary welfare system where legal rights did not exist. They and their advocates did, however, expect their cases to be heard fairly and to attract a response. In turn, it is clear that officials could not simply ignore written appeals. The nature of this correspondence suggests that the rules of the Old Poor Law were expected to be malleable and there is clear evidence that paupers and officials shared a common linguistic register in framing appeal and response.<sup>17</sup> If this much is clear for the Old Poor Law, the picture for the post-1834 period remains problematic. We know that paupers and their advocates continued to write to the arms of the local state (parochial officers, guardians etc.) and that they wrote in increasing numbers to the central authorities represented by the Poor Law Commission and Poor Law Board. Unfortunately, there has been no sustained interrogation of such material and series MH12 at the National Archives remains one of the great untapped archives for nineteenth century poor law history. Perhaps unsurprisingly, then, several of our chapters make use of pauper correspondence. In chapter three Jones and King further emphasise the development of a shared linguistic register in pauper correspondence in the last decades of the Old Poor Law, as the predominant form for pauper letters shifted from the “two-way monologue” of the supplicatory petition to the dialogic form of the familiar letter; and in chapter ten Steven King explicitly addresses the question of pauper agency in the transition between the Old and New Poor Laws.

More generally, however, it is clear that while questions over the mode, structure, purpose and experience of the Old Poor Law has received

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<sup>17</sup> See S.A. King, “Negotiating the Law of Poor Relief in England 1800-1840”, *History*, 96 (2011), pp.410-435.

determined enquiry, research on the New Poor Law has lagged substantially behind. Poor source survival for many poor law unions is balanced by unintelligible volume in others and fractured record series are the norm. Key areas of interest – for instance records of individual outdoor relief payments and, even more, the decision-making process that lay behind such payments – suffer particularly in these terms. Micro-studies of poor law practice and sentiment in individual unions have thus been infrequent and comparative studies of the sort needed to ask questions about agency, regionality or representative pauper experiences almost non-existent. Rather, historians of the New Poor Law have focussed their attention on the micro-politics of relief and on wider questions about staffing or the nature of workhouse regimes.<sup>18</sup> It is perhaps for these reasons that important questions about the lived experience of the poor under the New Poor Law have been relatively neglected.<sup>19</sup>

## Taking Stock

Against this backdrop, four key themes require further investigation if we are to really understand the complexion of welfare practice under the Old and New Poor Law, to reconstruct the experience of paupers under these systems, and to gain firmer traction on the interrelated issues of belonging, pauper and parish agency, and the nature of customary, legal and humanistic obligations to the poor on the part of the local state.

The first is the micro-detail of how parochial officers and vestries under the Old Poor Law and boards of guardians and union officers under the New Poor Law balanced their dual obligations to ratepayers *and* paupers in what remained throughout this period a discretionary welfare system. Addressing this issue requires a new focus on the officials who raised taxes and dispensed relief, a group that has figured at best

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<sup>18</sup> Price, *Negligence*; I. Miller, “Feeding in the Workhouse: The Institutional and Ideological Functions of Food in Britain, ca.1834-70”, *Journal of British Studies*, 52 (2013), pp.940-62; N. Durbach, “Roast Beef, the New Poor Law, and the British Nation, 1834-63”, *Journal of British Studies*, 52 (2013), pp.963-89; M. Evans and P. Jones, “‘A Stubborn, Intractable Body’: Resistance to the Workhouse in Wales, 1834-1877”, *Family and Community History*, 17 (2014), pp.101-21.

<sup>19</sup> Jane Humphries’ observation that while poverty and workhouse admission can be seen to have affected the long-term life chances of a large sample of nineteenth-century British autobiographers, the attitude of some individual writers to their experience of workhouse life was often ambiguous and sometimes definitively positive. J. Humphries, “Memories of Pauperism”, in King and Winter, *Migration, Settlement and Belonging*, pp.102-126.

marginally in the recent resurgence of poor law literature. It is necessary to know more about them as individuals given their central importance as agents of continuity, chance and change. We also need to understand how officials and employees conceived of the place of the poor law and their individual relief decisions within the wider makeshift economy that underpinned welfare in the period covered by this volume. And of course it is important to reconstruct the mechanisms by which officials interacted with their two major constituencies of taxpayers and applicants. This is a considerable task. While welfare historians have come to study individual strands of the economy of makeshifts – pawn broking, charity, casual work, theft, some of which are revisited in later chapters of this volume<sup>20</sup> – and have conducted innovative work on how paupers navigated a mixed economy of welfare, there has been little or no investigation of how officials viewed the place of the poor law, and consequently their obligations to the poor, in the local economic matrix.

The implicit assumption in much of the existing historiography – that paupers could assemble resources across the different strands of the economy of makeshifts and that officials would actively facilitate this accretion of resources, for instance by employing paupers to do jobs like nursing that might otherwise have been done for the parish by others – has been questioned by Alannah Tomkins. She finds little overlap between poor law recipients and those attending philanthropic medical institutions in Shropshire.<sup>21</sup> It is equally clear that for some charities the prior or simultaneous receipt of poor relief disbarred pauper applicants.<sup>22</sup> Vestry minutes under the Old Poor Law and application books under the New often provide little evidence that officials actively sought to assess the makeshift economy available to individuals and families and yet at times of ideological change in relief practice – for instance, the crusade against

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<sup>20</sup> S. Lloyd, *Charity and Poverty in England, c. 1680-1820: Wild and Visionary Schemes* (Manchester, 2009); A. Kilday, “‘Criminally Poor?’ Investigating the Link Between Crime and Poverty in Eighteenth Century England”, *Cultural and Social History*, 11 (2014), pp.507-26; J. Humphries, “Childhood and Child Labour in the British Industrial Revolution”, *Economic History Review*, 66 (2013), pp.395-418; S. Williams, “Earnings, Poor Relief and the Economy of Makeshifts: Bedfordshire in the Early Years of the New Poor Law”, *Rural History*, 16 (2005), pp.21-52.

<sup>21</sup> A. Tomkins, “Paupers and the Infirmary in Mid-Eighteenth-Century Shrewsbury”, *Medical History*, 43 (1999), pp.208-27.

<sup>22</sup> On this broad context see J.A. Sheetz-Nguyen, “The Case for Charity: ‘But if I Were You, I Should Certainly Go Into the Workhouse’”, in M.D. Button and J.A. Sheetz-Nguyen (eds.), *Victorians and the Case for Charity: Essays on Responses to English Poverty by the State, the Church and the Literati* (New York, 2014), pp.21-41, but also others in this volume.

outdoor relief – we know that the very existence of charitable resources could be used as a reason to refuse relief.<sup>23</sup> On the other hand, it is quite clear from the study of English, Welsh and Scottish pauper letters that paupers thought officials would want at least a history of their attempts to “make do” prior to and alongside their applications for poor relief. Understanding how officials viewed the place of poor relief in the makeshift economy, and factored it into their negotiations with paupers on the one hand and their justificatory framework for local taxation on the other, is thus fundamental to contextualising basic issues over who got what and why poor law policy varied across time irrespective of the underlying legal framework. Unfortunately there is a considerable way to go before we really understand the communicative networks between paupers, ratepayers and officials and thus how the competing pressures on officials were understood and balanced.

Going further requires the fusion of hitherto discrete or non-existent lines of enquiry on: how officials and ratepayers understood the symbolism of periodic purges of relief lists under both Old and New Poor Laws; how officials communicated welfare policy to their ratepayers and how they canvassed their views; how officials, employees (paid overseers under the Old Poor Law and Clerks under the New), legal advisors and ratepayer bodies understood the law, reconciled its extensive grey areas and communicated “the law” to each other, to paupers and to ratepayers; how the contestability of law and practice was understood by paupers, officials and ratepayers or ratepayer groups such as vestries; how officials at the front line of assessing and dispensing welfare balanced customary practice, personal philanthropic inclination and duty, humanitarian imperative, and the detection, assessment and avoidance of moral hazard in making their decisions<sup>24</sup>; and how officers, ratepayer bodies and ratepayers reconciled discord in their own ranks. Yet if the task of understanding how officials balanced their dual obligations to ratepayers and paupers – of reconstructing at parish, regional and union level the sentimental architecture of the poor law at times of stability and crisis – is complex it is by no means impossible, as contributions to this volume by

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<sup>23</sup> Hurren, *Protesting About Pauperism*.

<sup>24</sup> It is important to note that both vestries and boards of guardians found that their orders and decisions were not always enforced and that the morally reprobate were often given relief whatever the feelings of ratepayers. These tensions point to the difficulty of enforcing high level policy in face-to-face dealing with recipients of welfare and to the need for better understanding of how officials really balanced competing pressures rather than how vestries, boards of guardians and central civil servants *thought* pressures were being managed.

Jeremy Boulton, Peter Jones, John Langton, Steven King and Elizabeth Hurren show. Overseers' correspondence, vestry minutes, relief case books, the letters of advocates, legal cases and legal opinion, and correspondence with central authorities provide a rich canvas on which to explore and reconstruct the local philosophies of welfare.

A second and related issue requiring further elaboration is how paupers and their advocates sought to establish and maintain entitlement in a discretionary welfare system. That eligibility for welfare was contestable under the Old Poor Law is now clear. Purges to accumulated relief lists were relatively infrequent and always temporary as paupers re-established their place as recipients. As we have suggested above, many of the worst moral characters continued to get relief or were successful in establishing entitlement, notwithstanding occasional letters direct from officials to paupers admonishing them for their moral backwardness. The contestability of relief under the New Poor Law is less firmly established but it is striking that even major policy initiatives such as the crusade against outdoor relief gained limited long-term purchase in the English and Welsh provinces. Moreover, Steven King in his contribution to this volume suggests that New Poor Law officials were remarkably susceptible to pauper agency and that the changes to policy and experience in the immediate aftermath of 1834 were transitory.<sup>25</sup> Even as the law and organisational forms of welfare changed, there seems to have been an acceptance that practice was contestable.

The mechanics of contestation – the yardsticks of deservingness and the rhetorical and strategic vehicles that might be used to enhance their force in the minds of officials – require rather more work. Thus, under the Old Poor Law we know little about how the slow but definite professionalization of administration – with amateur overseers staying in place for longer by the early nineteenth century and a range of paid officials such as clerks, assistant overseers and workhouse masters being employed by parishes and Gilbert Unions – shaped the expectations of paupers and the mechanisms by which they sought to establish or maintain eligibility. Equally, while select vestries had existed throughout the eighteenth century the Sturges-Bourne Acts multiplied their number and gave legislative cover for a notionally harsher decision-making regime.<sup>26</sup>

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<sup>25</sup> Even if changes to the administrative, record keeping and accounting principles of welfare were more fundamental. See Care, "The significance".

<sup>26</sup> P. Jones, "Swing, Speenhamland and Rural Social Relations: The 'Moral Economy' of the English Crowd in the Nineteenth Century", *Social History*, 32 (2007), pp.284-5; S. Shave, "The Impact of Sturges Bourne's Poor Law Reforms in Rural England", *Historical Journal*, 56 (2013), pp.399-429.

And of course the New Poor Law established new layers of power and administration which would necessarily have upset the traditional claims-making of the poor and their advocates. In short, the locus of notional power configured and reconfigured in complex ways from the 1800s, eventually moving to an extra-local and national canvas.

The issue of how pauper agency changed in the face of such developments is complex. In particular, we might question whether a suite of yardsticks that signified deservingness and eligibility in the eighteenth and early nineteenth centuries and which constituted shared linguistic and conceptual ground between overseers, advocates and paupers, was diluted or replaced. Did reference points such as customary practice, Christian obligation, humanitarian duty and philanthropic imperative weaken as the Old Poor Law slipped into a political and public opinion crisis from the 1790s? Were they replaced or augmented with an alternative rhetorical and referential register which might include belonging, contribution, pragmatism, the law, and indicators of compromised dignity? In this context, how were life-cycle and demographic changes – disability, long-term sickness, widowhood, orphanhood – to be integrated into the stories of applicants and the means of their telling? And even more problematically, how were the unemployed, underemployed and old but not disabled to make their claims and shape the scale, form and locus of their welfare? If paupers and pauper advocates were to contest their place in the discretionary poor law – to claim and maintain entitlement even as the law itself afforded no absolute rights to welfare – they had to discover, establish or appropriate firm navigation points. These might encompass knowledge of the law, the language of contribution, yardsticks of dignity (nakedness, the inability to perform the duties of a wife and mother etc.) or even threats of external review (by newspapers, visiting committees or negligence claims), and the need for more work on this matter and on wider experiences of pauper agency is clear.

One important aspect of establishing entitlement, and our third core issue, was the rhetoricisation and evidencing of belonging to host, settlement or union communities. By the later nineteenth and early twentieth centuries, the connectivity between residence, belonging, contribution and actual or *de facto* rights to welfare was strong. Under the Old Poor Law and even into the New Poor Law crusade period, by contrast, such connectivity had to be stated and accreted. While ordinary people in England and Wales had a single legal and notionally graspable symbol of belonging – a settlement – we know that this was in practice a

contestable currency.<sup>27</sup> It is for this reason that the letters of paupers, their advocates and officials are riven with complementary and sometimes competing yardsticks of belonging: long residence in and contribution to a host or settlement community; membership of overlapping networks of contribution including religious observation, work and raising families; adoption and support by friends and neighbours; familiarity with officials; long standing receipt of charity; and even defence of settlement or host community interests. For some relief claimants at least – those who had served parochial or union office, those who had previously paid rates (the so called “shamefaced poor”), and even demobilised soldiers and sailors – these flags of belonging intertwined subtly with more concrete histories and the rhetorics of citizenship and class solidarity.<sup>28</sup> Understanding how officials in conducting the day-to-day business of poor relief under the Old and New Poor Laws made sense of these competing and complementary versions of belonging is central to explaining and codifying the complex intra- and inter-regional variation of practice that we can detect in the period covered by this volume.

Did officials employ hierarchies of belonging? Did in- or out-migration inevitably erode the case that paupers might make for belonging to a place? Could women lay claim to a wider suite of indicators of belonging than men? And did officials understand the subtle but definite impact of life-cycle position on the ability to make a case for belonging?<sup>29</sup> It is also important to move from the concept of belonging to the bundle of benefits attached to that belonging. Ranging across the Old and New Poor Laws, officials had a complex variety of benefits at their disposal: relief in cash or kind; loans; supported residence in institutions such as workhouses or hospitals; burden-sharing through agreement with families and friends or neighbours; burden-dilution through mechanisms such as the apprenticeship of children; burden-dispersal through schemes such as assisted emigration; benefits calibrated to other aspects of the makeshift economy and to external reference points such as the price of bread or family size; make-work schemes; and, finally, removal. Efforts under the

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<sup>27</sup> K.D.M. Snell, *Parish and Belonging: Community, Identity, and Welfare in England and Wales, 1700-1950* (Cambridge, 2006), though see also King, “Poor Relief, Settlement and Belonging”.

<sup>28</sup> On the shamefaced poor see contributions to A. Gestrich, E. Hurren and S.A. King (eds.), *Poverty and Sickness in Modern Europe: Narratives of the Sick Poor* (London, 2012).

<sup>29</sup> While claims of belonging might reference an inter-generational presence in a locality, considering single lives the aged poor, for example, were able to accumulate more reference points for belonging than young adults or in-migrants.

New Poor Law to circumscribe the freedom of local action in terms of what benefits to give to which paupers lacked resilience and under the Old Poor Law were non-existent. Indeed, there is evidence for some Old Poor Law communities that benefit levels and packages were set “by agreement” with paupers themselves or their advocates. Reconstructing how officials came to bundle benefits for different sorts of paupers is important in its own right but also because the process lies at the heart of understanding how parochial and union discretion in welfare terms came to be translated to pauper rights where none was legally enforceable.

Unsurprisingly in the context of these observations, a final area requiring further research is the experience of being poor under the Old and New Poor Laws. Read collectively, the chapters in this volume suggest that paupers with a given set of circumstances would have experienced the poor laws in radically different ways both within and between regions. Whether this equates to the existence of multiple poor law systems rather than one single system, as Steven King has suggested elsewhere, can be debated, but deep variations in the complexion of likely experience cannot. Such variations can be explained *inter alia* by contingency (how much localities could or would afford to spend on welfare); pauper agency; the relative professionalization of poor law administration; different levels of resistance to central control; the scale and causation of local poverty; chance; and even the persistence or erosion of custom. Whatever explanatory framework we use, however, it is necessary to understand the poor law as a set of experiences rather than simply a legal, procedural or administrative system. Through pauper letters and other correspondence, enquiries into riots or neglect, workhouse visiting diaries, autobiographies, the diaries and records of staff under the Old and New Poor Laws, poetry, and disputes between officials themselves, we *can* understand the lived reality of discretionary welfare in the period 1600 to 1900. And in this reality lies a rather better grasp than we have at present of themes such as the nature of local-central relations, the malleability of state power, the nature and construction of philanthropy and the meaning of the information state.

## **Looking Forward**

Our authors take up many of the themes touched upon above. In terms of geographic coverage and the typology of communities, we travel from metropolitan Westminster to towns and villages across much of rural and industrialising England. The chapters cover almost the entire period of the English and Welsh poor laws, from the beginning of the Elizabethan

statutes through to the threshold of modern welfare.<sup>30</sup> In this context, there are a number of important shared areas of enquiry which bring these richly diverse components together to form a coherent and compelling study of the way that resources were both fought for and allocated across the whole landscape of, particularly English, welfare. The most fundamental is a concern with the meaning of the primary obligation to relieve, or to offer alms for, the poor. In chapter two, Jeremy Boulton demonstrates the value of *inter-vivos* (as opposed to *post-mortem*) charity in seventeenth century Westminster, both to recipients and to donors. Contrary to much of the existing literature on the subject, he makes it clear that lifetime giving increased at the same time as *post-mortem* charity was declining towards the end of the century and that, if consistently made over an extended period, small donations could amount to at least as much, and perhaps even more, than the typical lump sum willed after death. However, he also makes the crucial observation that charitable giving does not appear to have adversely affected formal relief expenditure in the capital, and that in fact it often acted as a complement to the Old Poor Law, filling gaps left by parish expediency and local policy. Boulton's chapter is an important step forward in synthesising the discrete strands of the makeshift economy to better understand how officials came to make decisions about raising and dispensing funds.

The fundamental importance of the availability of welfare resources and their allocation is taken up by Thomas Sokoll and John Langton in chapters four and eight. Their settings are very different to Boulton's early-modern Westminster: the first is an intensive study of a rural Essex community, and the second a whole-county study of Oxfordshire, both focusing on the latter years of the Old Poor Law. They emphasise the flexibility and responsiveness of local officials to changing need. In both cases, the connections made are not so much between formal relief and charity, as between relief strategies and the requirements and vicissitudes

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<sup>30</sup> How (or whether) we should render poor law histories into different chronological blocks is contested. See L. Hollen Lees, *The Solidarities of Strangers: The English Poor Laws and the People 1700-1949* (Cambridge, 1998), *passim*; D. Valenze, "Charity, Custom and Humanity: Changing Attitudes Towards the Poor in Eighteenth-Century England", in J. Garnett, H. Matthew and C. Gray (eds.), *Revival and Religion since 1700: Essays for John Walsh* (London, 1993), pp.59-78; B. Harris, *The Origins of the British Welfare State: Society, State, and Social Welfare in England and Wales, 1800-1945* (Basingstoke, 2004); S.A. King, *Women, Welfare and Local Politics 1880-1920: 'We Might be Trusted'* (Brighton, 2005), pp.3-28; A. Kidd, *State, Society and the Poor in Nineteenth-Century England* (Basingstoke, 1999).

of the local labour market. In his study of Oxfordshire, Langton notes that welfare responses to changing conditions varied, not only between different typological communities, but between similar (in this case, agricultural) communities at different stages of development. As a result, he makes the important observation that in a time of great change it was the very flexibility of the Old Poor Law (something that others have characterised as inefficiency or inconsistency) which was its great strength, enabling it to adapt quickly to rapidly changing local conditions and to act as an “institutional midwife” to the growing agricultural proletariat.

Sokoll travels a similar path to Langton, but from a slightly different direction. He, too, looks in detail at local welfare responses to rapid change in the English countryside, but he does so from the perspective of the domestic rather than the wider economy. In a return to his intellectual roots, Sokoll provides a concentrated study of the relief regime in the village of Ardleigh, Essex, at the end of the eighteenth century. Inevitably, his discussion turns to family allowances and relief in lieu of wages: as he puts it himself, “Speenhamland will not go away”. Like Langton, he concludes that the patchwork of local responses to shifting circumstances – formulated, adopted and often abandoned with surprising rapidity – were far from being a hindrance to the effective relief of the poor, and that it was this very flexibility and responsiveness that enabled the parish to meet their needs effectively and humanely. In the balancing of obligations, legal or moral, between paupers and ratepayers it is thus not always the case that concerns of economy and conservation of taxpaying resources won the day even in a discretionary welfare system.

This relatively optimistic view of the administration of the Old Poor Law contrasts sharply with the perspective offered by Elizabeth Hurren on the treatment of the sick poor under the New. Langton and Sokoll emphasise the autonomy and flexibility of individual, locally formulated regimes, but in chapter eleven Hurren points to the growing tensions between local need and national priorities in a centralised system. This contrast is even more striking given that all three studies focus on periods of apparent crisis and concern about escalating costs. Langton and Sokoll demonstrate that local rate payers under the old regime were able to adapt quickly and effectively to crises under these circumstances; Hurren, on the other hand, shows clearly that local administrators were either powerless, or were broadly complicit in the face of a growing national crusade against outdoor relief in the 1870s. Her chapter ranges widely, taking in the rhetorical shifts in the discourse about relief and the consequent stigmatisation of pauperism, and moving on to demonstrate how these

shifts in attitude played out in the treatment of individual sick paupers and their families in Brixworth, Northamptonshire. Outdoor medical relief cases were “reviewed” and further applicants deterred; aged, infirm and sick paupers were given no alternative to the workhouse even if they could demonstrate genuine need; working relatives of the sick poor were pursued ever more vigorously to recover the costs (or, preferably, to provide primary care) for their unfortunate kin; and the principle of “exceptional medical outdoor relief” (often given to lying-in mothers, widows to bury their husbands, or women to support illegitimate children) was curtailed vigorously and, many contemporaries felt, brutally. It was this last measure, aimed at some of the most vulnerable and, traditionally, the most deserving in society, which galvanised Brixworth’s local inhabitants, leading to a concerted campaign against the crusade which was reflected across the country.

Hurren’s work, which ranges over territory spanning the economy of makeshifts, the experiences of being poor, belonging and the pauper agency, highlights some of the other shared ground between our different chapters. Her emphasis on gender and the traditional categories of “deservingness” is both echoed, and underpinned, in chapters by Alannah Tomkins and Peter Jones who return to the crucial years leading up to the reform of the Old Poor Law. In chapter five, Tomkins overlaps with a number of the themes explored by Hurren, in particular the requirement by poor law authorities for working families to look after their elderly or vulnerable kin. Using the extensive correspondence relating to, and written by, paupers from parish collections, she examines both the extent of, and the limits to, this familial support in early-nineteenth century Staffordshire. Overall, the picture she presents is of an ongoing partnership between parishes and kinship networks with close and even, on occasion, extended family members stepping in to assist those who fell on hard times, but often expecting (and, crucially, receiving) the help of the parish if the assistance required was protracted or weighed too heavily on their own domestic responsibilities. As Sokoll suggests in his chapter, the balancing of obligations did not inevitably result in harsh treatment of the poor. Tomkins also points to the gendered aspect of these kinship networks, confirming that men and boys beyond adolescence hardly figured at all in such dependent relationships; and by way of a detailed case study demonstrates, not only the precariousness of a bereaved woman’s position under the Old Poor Law, but also the ways in which widowhood could be used as a means of establishing and reinforcing entitlement to formal relief and to claims for support from her extended family.

Peter Jones takes the theme of widowhood a stage further in chapter six, concentrating entirely on the issue of how entitlement was established and maintained. In an extended discussion of the pauper career of Elizabeth Buckman of West Sussex, once again seen through the prism of parish correspondence, it becomes clear that definitions of deservingness under the Old Poor Law were not only contingent on the status and behaviour of individual paupers and pauper cohorts, but were part of a much wider customary discourse about who fell into, and out of, the category of “deservingness”, and why. In particular, Jones points to the way that Buckman’s perceived behaviour and her attitude towards her own status as a young widow with dependent children had a direct impact on the response of the parish to her claims for relief. In chapter seven Pamela Sharpe’s examination of how women gained a settlement between the seventeenth and early-nineteenth centuries once again reflects this gendered focus on poverty under the Old Poor Law. Sharpe engages directly with recent debates about the legal status of poor women in relation to settlement law through a close reading of the evidence relating to a number of contested cases. She argues that over time it became harder for women to gain a settlement in their own right, and that this was not only a reflection of changing socio-legal attitudes, but it also reflected a shift (and quite possibly a diminution) in the status of poor women more generally. As a result, Sharpe suggests that it was unmarried mothers, widows and single women who were hit hardest by the need to control spending on relief and balance the needs of ratepayers with those of the poor in late-eighteenth and early-nineteenth century England. The contrast between the different perspectives on female entitlement and experience taken by our authors suggests the need for a much more detailed gendered history of the Old and New Poor Laws.

Meanwhile, the theme of the ongoing struggle to establish and maintain entitlement to relief is one that is woven into many of our chapters, and it reflects a steady growth of interest in how paupers navigated what was a discretionary system under the Old and New Poor Laws. Steven King places this theme at the heart of his chapter on the transition between the Old and New Poor Laws. He argues that while there is significant evidence of changed sentiment and practice under the New Poor Law, such changes rarely became institutionalised. They were fragile and reversible in the face of pauper agency and external advocacy, such that within five years of the instigation of the New Poor Law many paupers were experiencing the welfare system much as they had done in the last decades of the Old Poor Law. Peter King, on the other hand, looks in detail at one of the main outlets for the poor when relief decisions went

against them: the summary courts of magistrates. The right of appeal in relief cases is something which has long interested welfare historians, and it also has implications for local governance and power relations more generally, particularly in the Hanoverian countryside. Previous studies of pauper appeals have focused almost entirely on the formalities of the Quarter Sessions, but in chapter nine King demonstrates that magistrates at Petty Sessions were an especially important tool for the poor in securing favourable outcomes in relief cases and, hence, were a “strategic weapon” in the ongoing battle to balance the economy of makeshifts. But he also points very forcefully to the way that the customary expectations of the poor, in relief terms, could be both nourished and reinforced by close interaction with local magistrates. In this way, such interactions seem to have been an essential component in the ongoing process of establishing and maintaining entitlement under the Old Poor Law. It was not, however, without its risks. In particular, King emphasises that the triangulation of power relations between local elites (in the shape of parish vestries), appealing paupers, and what were perceived to be (and, probably, often were) sympathetic local magistrates acting largely autonomously created tensions which fed the growing clamour for “reform” in the run-up to the Poor Law Amendment Act.

Peter King’s chapter reminds us that even the most apparently formal encounters under the Old Poor Law – those between paupers and magistrates – could still be the site of a sympathetic rendering of the relief relationship when conducted locally and that, in turn, they helped to strengthen the sense that the rules of welfare were highly malleable. In doing so, he provides historians with an essential link between the formality of welfare law as it unfolded at quarter sessions, where paupers presented their appeals as highly stylised petitions, and the more intimate negotiations between paupers, overseers and JPs at parish level. This distinction is further emphasised by Peter Jones and Steven King in chapter three, where they contrast directly the formality of the traditional petition with the informality (or familiarity) of the late-Old Poor Law pauper letter, and offer a framework for understanding the shift from one supplicatory form to another over the eighteenth and early-nineteenth centuries. What is clear is that this shift was not simply the result of a cultural or fashionable change from one epistolary form to another, but that it reflects fundamental changes in the way the relief relationship unfolded over time. Jones and King argue that the former was a “one-way monologue”, “a closed question requiring a straightforward yes/no answer”, whereas the latter is representative of an ongoing conversation between paupers and parish authorities. After highlighting the profound