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October 1, 2001

Rosalind Mitchison, The Old Poor Law in Scotland

Michael Graham, *The University Of Akron*

Available at: https://works.bepress.com/michael_graham/74/
summary cannot begin to do justice to the richness of themes and arguments that they contain, their collective impact is to provide a new level of understanding about the varieties and persistence of tradition and nostalgia in modern British history. It is certainly appropriate that the volume is dedicated to one of the most creative scholars in the field, Peter Stansky, whose influence is evident in the best of these pieces.

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Recent debates about “welfare reform” and related issues on both sides of the Atlantic give this book a timeliness not shared by all monographs on pre-industrial Scotland. The Old Scottish Poor Law, established in the confessionalizing environment of the late sixteenth century (the statutes establishing it passed the Scottish Parliament in 1574 and 1579), functioned fitfully into the mid-nineteenth century, finally replaced in 1845, its obsolescence made obvious in the manufacturing depression which struck Scotland in the early 1840s. A system designed to alleviate the poverty of familiar neighbors in a rural society was inadequate to meet the needs of the often anonymous urban poor in the early industrial age. But had it ever really worked?

Rosalind Mitchison argues no, at least not in its ostensible goal of easing poverty. Drawing on many of the same 300-odd parish registers that informed her *Sexuality and Social Control* (1988), co-written with Leah Leneman, Mitchison here offers a narrative history of the Old Poor Law, from birth to dissolution. The picture is a grim one, painted with a healthy dose of scholarly indignation. Landowners battled with officials of the Reformed Kirk over parochial assessment, the former insisting that any collections should be voluntary (thus not constituting a permanent tax) and the latter jealously guarding their control over the relief system, while the poor themselves struggled on with inadequate assistance. And while the analytical framework of this book is sketchy, two central themes emerge: first, that the story of the Poor Law is more a history of jurisdictional battles and the eventual expansion of government than a history of the mitigation of poverty; and second, that few writers on the subject from the mid-eighteenth century onward can be trusted because they tended to be clergy or lawyers with their own particular agendas.

Mitchison accepts the traditional view (recently challenged by Julian Goodare and others) that nobody paid much heed to the central government in sixteenth- and early seventeenth-century Scotland. Thus the Reformed Kirk, with its expanding localized network of kirk sessions and presbyteries, was the natural choice for administration of a poor relief system that, at least in its statutory formulation, drew on the English model. But ministers and elders ignored the more draconian aspects of the law, and “no rural parish would carry out the branding, imprisonment or forced apprenticeship [of beggars and/or vagrants] laid down in various statutes” (p. 28). This will not surprise anyone who has examined the practical fate of the pronouncements of the Scottish Parliament in the period. But loose interpretation could also harm the poor—Mitchison, with her thorough grounding in parish records, notes that “the poor’s money,” usually stored in “the poor’s box,” might be used for all sorts of things besides charity, such as ministers’ traveling expenses or salaries for parish officials.
By the late seventeenth century the Poor Law was firmly in place. But when it faced its first major test—a series of bad harvests in the 1690s—it failed, according to Mitchison.

The following century brought a series of legal battles between landowners and church courts, and also between the established Kirk and dissent. These parties fought for control over assessments and the distribution of funds, but rarely did much for the poor when they won. While landowners were the first opponents of mandatory assessment, fearing (Mitchison suggests) for their property values, they were joined in the early nineteenth century by evangelical clergy such as Thomas Chalmers, who argued that assessments would create in the poor a sense of entitlement rather than the “independence” he thought they really needed. Under the influence of Thomas Malthus, Chalmers experimented in the early 1820s with a scheme in his parish of St. Johns, Glasgow in which assessments were eliminated and each claim for relief was closely scrutinized. Chalmers thought his experiment would contribute to the abolition of the English Poor Law, which he and Malthus viewed as far too generous, by demonstrating that a thrifty version of Scottish poor relief could cut poverty in a large urban parish. Mitchison regards the experiment as a failure; it was not widely copied and its author soon fled into the groves of academe, convinced that his plan had succeeded. From his academic post he influenced a generation of ministers, leading them into open breach with the Reformed Kirk in the Disruption of 1843, making a poor relief system locally administered by the parishes of the established church impossible.

Much of the debate in the last few decades of the Old Poor Law centered on the question of who deserved assistance. The old dichotomy of deserving poor vs. sturdy beggars was complicated by industrialization. The minister John Macfarlan, writing in 1782, recognized that temporary rural unemployment might be the result of bad weather, and not simply sloth or sinfulness. But unemployment in the new manufacturing economy proved difficult for ministers and lawyers to get their minds around—most regarded it as a moral problem, not an economic one. What the 1844 British parliamentary report, which led to the replacement of the Old Poor Law, demonstrated was that the system was not working to anyone’s satisfaction. Mitchison regards its replacement in 1845 with a plan involving central oversight as the first in a series of changes, “which together gave Scotland a modern system of government with some degree of representation” (p. 215). Poverty would live on, but a new era in government had begun.

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This is a controversial book, designed to ripple the waters of contemporary perceptions in post-devolution Scotland of the Scottish past. The large quantities of this book piled high in Borders’ bookstore in Glasgow indicates the desire of the publishers to make a big splash by a controversial text. Indeed, Davidson’s book is a new and controversial analysis, but the pretext behind this is primarily political and in the preface the author pays tribute to the organizers, historians, students, and comrades from the various Marxist seminars and conferences at which the author had formulated his views. Of course, there is no monopoly on understanding of the Scottish past, but this book is governed by political and ideological considerations.