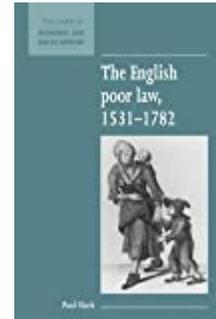




Paul Slack. *The English Poor Law, 1531-1782.* New York and Cambridge, England: Cambridge University Press, 1995. vi + 73 pp. \$20.99 (paper), ISBN 978-0-521-55785-6.



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New Views of the Old Poor Law

Paul Slack's *The English Poor Law, 1531-1782* is a well-informed and concise survey of recent scholarly research about social welfare legislation in early modern England. Slack, who is Reader in Modern History at the University of Oxford, formerly served as editor of *Past and Present*. He is also the author of several works on the Poor Law in the 1500s and 1600s and has a thorough command of relevant sources from several academic disciplines—from medical histories and community studies to economic surveys. Most of the authors whom Slack cites are currently active as scholars, but he does not disdain giving credit to much earlier authorities such as Sidney and Beatrice Webb, whose labor and social histories from the early twentieth century still inform scholarly discussions. Similarly, Slack recognizes the relevance of “classic writers” such as Thomas Malthus; he reflects, for example, upon the extent to which Malthus was a perceptive observer of the historical events to which he, Slack, is referring.

Slack's choice of a chronological ending-point for his study is an easy task, as many scholars already accept that England's social welfare policy prior to the impor-

tant Benthamite legislation of the early nineteenth century (the “New Poor Law of 1834”) should be referred to as “the Old Poor Law.” Slack recognizes that the term “Old Poor Law” itself is misleading; implicit in Slack's study is the assumption that England's regulations from the 1500s through the 1700s were neither systematic nor a single enactment of the high profile of the 1834 legislation. Throughout the book, Slack emphasizes that social welfare policy was administered not only locally but unevenly throughout the early modern era.

By beginning his study in the middle of Henry VIII's reign, Slack underscores the idea that Tudor administrators at the national level, through legal mechanisms, heavily influenced the workings of the local poor relief efforts that were already in place. In a valuable “Additional bibliographical note,” after the main text, Slack reviews major research published after 1990. Slack is particularly impressed with the work of recent medieval scholars, such as B. Harvey, whose discussions of monastic charity are crucial to an understanding of how relief functioned prior to the creation of a nation-state under the Tudors.

Slack argues that the origins of Tudor legislation concerning the poor came not so much from fears that unemployed and discontented persons would cause disorder, as from humanist impulses such as those that informed Thomas Wolsey as early as the mid-1510s. Thus Slack places a greater stress upon the poor legislation of the Henrician era (the early to mid-1500s) than upon the more famous punitive laws from the end of Elizabeth I's reign—notably the explosively titled 1598 “Statute for the Punishment of Rogues, Vagabonds, and Sturdy Beggars” and one of the few pieces of English law to be known simply by its formal designation, “the 43rd of Elizabeth” (the 1601 Statute for the Relief of the Poor).

Slack has done a real service by including the key provisions of major pieces of Poor Law legislation in an appendix that lists leading Parliamentary enactments on the subject between 1531 and 1782. Besides providing a review of well-known laws, the appendix also permits readers to glimpse more mundane but ultimately important alterations in Poor Law policy over a century or two. For example, scholars interested in the functioning of local government in the eighteenth century can observe an increasing Parliamentary willingness to allow local Poor Law officials more discretion in administering workhouses and disciplining poor persons who refused to accept “indoor relief.” Slack's bibliography is an unusually readable list of books and articles in related fields. The topical organization of the bibliography will make it useful for interdisciplinary scholars such as medical historians. Slack's short section in the bibliography entitled “Some printed sources” would serve as a starting point for graduate students who want ready access to primary accounts of social welfare policy from this era.

In one of his most convincing arguments, Slack pithily describes the intricate links among the political, religious, and social goals of later Henrician administrators—notably Thomas Cromwell—and the forms that the Poor Law took in the 1530s and 1540s. Slack recalls the important work of G. R. Elton, which showed that Cromwell hoped to centralize charitable contributions within Henrician churches, discourage begging, reward poor persons who did work, and make parishes rather than other units (such as manors) primarily responsible for poor relief. Through his description of social welfare policy in the 1500s, Slack contends that historians ought to focus further on the laws of the 1530s and earlier for those regulations that were more at the heart of the Old Poor Law than the Elizabethan statutes.

While detailing the contributions of scholars to the

history of social welfare law in subsequent centuries, Slack makes several intriguing arguments. Within his discussion of works on the seventeenth century, for example, Slack maintains that recent scholars may have overplayed the effect of “Puritanism” upon local administration of the Poor Laws. Slack lists certain “ambitious experiments in social welfare which were erected on the statutory foundation of the poor law” (p. 16) between 1570 and the 1630s. Leaning on the work of M. Todd, however, Slack argues that even the seemingly Puritan innovations in towns such as Norwich were as much humanistic as Puritan in inspiration. He contends that “godly rhetoric” was so pervasive in the mid-1600s that it is unsatisfying to identify Puritanism as the sole cause of changes in social welfare policy.

Slack characterizes the eighteenth century as a time in which Poor Law costs were rising, both in real terms and in the perceptions of rate payers and lawmakers. That state of affairs has been well established in the many studies Slack cites on costs of living, population levels, and local tax rates. Throughout the 1700s, Parliament debated about whether to reform the Poor Laws, which were widely admitted to be inadequate. Slack adeptly classifies Parliament's debates—which many other scholars of the Poor Law describe simply as a lack of decisive action, and leave it at that. Slack notes that the legislature was concerned with three main subjects related to the Poor Law in the eighteenth century: deciding who should receive relief; distinguishing between the “deserving” and the “undeserving” poor; and insuring the honesty and diligence of local Poor Law administrators.

The chapter called “The Law in Context” highlights several recent scholars' contentions that charitable giving was a key form of poor relief in the early modern era. The private formation of foundling hospitals and facilities for unmarried women was not directed by either national or local governments, of course, so the study of private charity is not in the strictest sense “legal history.” Slack makes a case, however, that the availability of such institutions, because of the “benevolence” of individual donors, subscribers, or friendly societies, may have forestalled legislative initiatives to change the Old Poor Law.

Two other arguments within Slack's discussion may be of particular interest to legal scholars. Slack argues persistently that the actual forms that Poor Law policy took—especially in the first portion of the early modern era—have been less carefully described by recent scholars than the intellectual justifications for social welfare or the way in which poor relief was administered. Finally,

Slack notes that modern scholars have contrasted England's Poor Laws with alternative forms of social welfare in the same era, such as in Scotland, Ireland, and France. With such juxtapositions in mind, Slack concludes that England's early modern legal writers and political theorists were justified in a certain amount of pride about their own social welfare provisions. However flawed and

unsystematic the Old Poor Law appears to scholars in retrospect, it was more effective than comparable provisions in other countries.

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