# Thinking and Rethinking the New Poor Law

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**Abstract**

*At the core of this article is the observation that, notwithstanding recent advances, we understand much less about the New Poor Law than the Old. An increasingly strong grasp of who was in workhouses is balanced by an historiography on the agency of workhouse inmates which is best described as 'thin'. The medical functions of the workhouse have, both for 'normal' times and occasions of scandal, been increasingly well researched. By contrast the religious and educational functions of workhouses remain relatively under-researched. About those on outdoor relief and those who administered their relief we know almost nothing. This article reviews the highlights of current literature and attempts to establish an agenda, in part met by contributions to this special issue, for future research.*

## Context

When Anne Crowther published her magisterial survey of the New Poor Law and its records in 1981, she intended that it would constitute a research agenda for the future.[1] Three core features of this work have subsequently shaped how we as historians have approached post-1834 research: first, it established a chronological framework for the phases of the New Poor Law in England and Wales which, with elaboration by scholars such as Lynn Hollen-Lees, continues to endure.[2] Centred on key organisational, philosophical or directional moments from central government, this framework has led directly to a tendency for subsequent historians to focus their research largely on discrete moments or time periods rather than asking longer-term questions about issues like continuity and change in pauper experiences. Second, at the union level Crowther encouraged us to focus on rules, processes, structures and higher level staffing, including for instance a call to arms on dietaries, the mechanics of union formation, and medical officers. Finally, there was a focus on the development of the Poor Law as a national standard and the mechanisms (surveillance of accounts, central direction on staffing levels, orders, inspections) by which relative uniformity of practice in England and Wales was created, maintained and extended.

Since 1981, our understanding of the intricate detail of the operation of the Poor Law and particularly the totemic workhouse has been significantly extended. Yet in many ways the striking feature of the New Poor Law historiography is how much remains to be done how little Crowther's initial agenda for research has been re-purposed, re-conceived or supplemented. Whole union studies remain (in published terms, though less for unpublished

1 M.A. Crowther, *The Workhouse System 1834–1929: the History of an English Social Institution* (London, 1981).
2 L. Hollen-Lees, *The Solidarities of Strangers: the English Poor Laws and the People 1700–1949* (Cambridge, 1998).

PhD analyses) rare, and comparative studies of unions within and between counties remain rarer still. Thus, while we know increasing amounts about 'celebrity' unions like Atcham or Brixworth, we know nothing at all about most places in Wales or the South West.[3] To some extent this represents the enormous scale of the task. At the local level, many records have been comprehensively weeded, destroyed or neglected, notably in Wales. Where they do survive, the records can be huge in terms of volume and largely mundane in terms of content, demanding considerable effort to mine small gems of information. Undertaking a New Poor Law study is thus not a task to be approached lightly, even less so when we realise the central importance of fusing local records with the gold and diamonds to be found in the largely uncatalogued MH12 collection at The National Archives.[4] This issue of scale and location does much to explain the dual features of an historiographical neglect of the New Poor Law post-1981 and a tendency in that literature to focus on much smaller questions such as the professionalization of New Poor Law nursing, the rise of workhouse infirmaries, conflict over pauper education and the exercise of religious power in the workhouse, or the (eventually doomed) resistance of some iconic individual unions to central direction and control. Moreover, it does much to explain why we have so little cross-border comparison between England, Wales and Scotland. Yet perhaps, as well, welfare historians find themselves conceptually bound. Reading (for other thematic projects) nineteenth-century diaries and autobiographies I am struck by how little the reorganisation of English and Welsh welfare that was the New Poor Law figures outside of a few firebrands who stirred up local ill-feeling. This was as true of northern England as it was of a south where communities are often portrayed as exhausted by pauperism and thus accepting of the structures and strictures of the 1834 legislation. It is also true of Wales. Moreover, this same material can, as both Jane Humphries and Alannah Tomkins have also found, turn the everyday experience of the Poor Law by its clients on its head. Those who sojourned in workhouses did not always find them crushing and isolating—notwithstanding the scandals that rocked some places and periodic neglect of medical patients across the country.[5] Against this backdrop, the article which follows has two essential parts: a broad review of the current standing of the New Poor Law literature on the one hand, and some suggestions for a future research agenda on the other.

## Thinking the New Poor Law

In some aspects, the advance of historiographical perspective on the New Poor Law has, since 1981, been considerable. Building on Driver's periodization for investment in the

3 E. Hurren, *Protesting about Pauperism: Poverty, Politics and Poor Relief in Late-Victorian England*, 1870–1900 (Woodbridge, 2007).

4 P. Carter and S.A. King, 'Keeping track: modern methods, administration and the Victorian poor law, 1834–1871', *Archives*, 60 (2014), pp. 31–52.

5 A. Tomkins, 'Workhouse medical care from working-class autobiographies, 1750–1834', in J. Reinarz and L. Schwarz (eds), *Medicine and the Workhouse* (Rochester, 2013), pp. 86–102; J. Humphries, *Childhood and Child Labour in the British Industrial Revolution* (Cambridge, 2010).

fabric of the New Poor Law, we now understand that workhouse buildings were in a constant state of actual or planned physical flux.[6] Guardians or their agents talked about, researched, planned and called for information on a massive range of fabric changes across a spectrum from expensive rebuilding, through extension, to minor adjustment. Much of this talking, planning, tendering, information gathering and correspondence with Government and financiers came to nothing. By way of example, the Oundle Union in Northamptonshire talked about or planned 63 changes to the workhouse fabric between 1840 and 1895, but only 16 actually happened. Nonetheless, when we adopt the widest definition of changes to space (room usage and classification, building work associated with new technology such as washing machines or boilers, purchase of graveyards or gardens, extensions, rebuilding and new building) it seems clear that, in any five-year period, most workhouses would have seen some physical flux. A focus on the modest spending patterns of recalcitrant unions, implicitly encouraged by older research agendas, has left us largely blind to the detail of the massive changes to the physical fabric in more representative places.[7] The consequences of such experiences for workhouse lives, the ability of staff to maintain order, hierarchies of staff and perceptions of workhouses from those outside have been rather less well researched.

One particular aspect of building and rebuilding work was workhouse infirmaries and wards. Elsewhere I have argued that the exit trajectory from the Old Poor Law was such that a substantial and rapidly increasing percentage of all spending was on sickness and its amelioration.[8] Unions thus inherited a pauper population that was increasingly sick, which is one explanation of why 'practice' in terms of daily experiences of the New Poor Law may have quickly reverted back in some areas to something that would be recognised by parish officers under the Old Poor Law.[9] True or not, it seems clear from the work of Driver and others that the building of workhouse spaces devoted to medical care proceeded rapidly and gathered pace after 1850. Graham Mooney is thus able to argue that workhouses (by which he means workhouses in London; the issue has still to be tested more widely) became receptacles for the sickest and most isolated of the sick poor, in effect taking those most likely to spread disease out of their communities and reducing death rates in that wider population below what they might otherwise have been.[10] Death rates—even those in some metropolitan workhouses—do not always bear out this view but the wider sense that after 1850 the spaces of the workhouse and New Poor Law became increasingly medicalized is clear from the wider historiographical literature. As we see in the

6 F. Driver, *Power and Pauperism: the Workhouse System 1834–1884* (Cambridge, 1993).

7 Some sense of this flux across the New Poor Law period is to be found in contributions to M. Gorsky and S. Sheard (eds), *Financing Medicine: the British Experience since 1750* (Aldershot, 2006).

8 S. King, *Poverty, Sickness and Death in England: 1750–1850* (Bloomsbury, forthcoming).

9 S. King, 'Rights, duties and practice in the transition between the Old and New Poor Laws 1820–1860s', in P. Jones and S. King (eds), *Obligation, Entitlement and Dispute under the English Poor Laws, 1600–1900* (Newcastle, 2015), pp. 263–91.

10 G. Mooney, 'Diagnostic spaces: workhouse, hospital, and home in mid-Victorian London', *Social Science History*, 33 (2009), pp. 357–90.

work of Kim Price, workhouse scandals were often medical scandals and the fact that the role of medical officer became so politicized, often being a bone of contention between the central administration and the locality, points firmly to ever greater engagement of the Poor Law with medicine, medical people and medical processes.[11]

This observation fuses with a second powerful thread of the recent historiographical literature: the analysis of the composition of workhouse populations. At the union and county level, the availability of longitudinal census data on workhouse residents gives us a decennial snapshot of how workhouses were used in practice and (with a little more thought) the sentiments that lay behind that workhouse use. The long-recognised conclusion that for most people, most of the time and in most places, outdoor relief continued to be the mainstay of contact with the welfare system is given substance in the work of Andrew Hinde, Nigel Goose and others who look at census material.[12] Workhouses became a refuge (or containment area) for variable constellations of the insane, aged, orphaned or abandoned (temporarily or permanently) children, the mothers of bastards, the sick and (episodically) the unemployed and unemployable, with a constant stream of transient vagrants passing over this core group. Changes to national regulations or guidance (for instance the advent of pensions in 1907 or guidance on cottage homes from 1884) took certain groups out of the workhouse context but much about union workhouse populations reflected local situation and local decision-making. In this context, the most subtle work has begun to question the associated and ingrained view that workhouse residence was imposed upon ordinary people along the lines of the less eligibility rules of the 1834 Act. Undoubted acts of parsimony and cruelty witnessed, for instance, in the Crusade against Outdoor Relief must be balanced by instances in which parents used the workhouse as a temporary shelter for children for whom they could no longer care, aiming to return later to reclaim them, in the long tradition of foundlings. What we also begin to understand from studies of workhouse populations are issues of variability (across space) and volatility (across time) in the usage of workhouses by unions. Richard Talbot, for instance, has shown conclusively that the two unions serving Stoke-on-Trent had completely different attitudes towards workhouse residence, notwithstanding a shared economy, social structure and locational architecture (the two workhouses were only three miles apart) and thus very different complexions of workhouse populations.[13] In this context, of course, some elements of the workhouse population remain relatively invisible; the frequency with which the sick appear in workhouse scandals and New Poor Law disputes sits imperfectly, for

11 K. Price, *Medical Negligence in Victorian Britain: the Crisis of Care under the English Poor Law, c.1834–1900* (London, 2015).

12 N. Goose, 'Workhouse populations in the mid-nineteenth century: the case of Hertfordshire', *Local Population Studies*, 62 (1999), pp. 52–69; A. Hinde and F. Turnbull, 'The population of two Hampshire workhouses, 1851–1861', *Local Population Studies*, 61 (1998), pp. 38–53; D. Jackson, 'The Medway Union workhouse, 1876–1881: a study based on the admission and discharge registers and the census enumerators' books', *Local Population Studies*, 75 (2005), pp. 11–32.

13 R. Talbot, 'North-south divide: the New Poor Law in Stoke-on-Trent 1871–1929' (unpublished PhD thesis, University of Leicester, 2017).

instance, with census-based analysis of workhouse populations where the sick as opposed to the disabled and insane appear remarkably infrequently.

The workhouse is also the focus of a third core theme in the post-1981 historiographical literature, one which focuses on the experience and agency of the poor. Thus older constructs of the poor as merely subject to the regimes of the workhouse have been wide of the mark. Individually and collectively, inmates protested when they or their friends and peers experienced medical neglect, when diet or clothing was inadequate, when people were disciplined unjustly and where relief decisions were taken or not taken by staff and workhouse masters and mistresses. Sometimes, as David Green shows, young people or other groups might riot or carry out organised act of dissent and rebellion.[14] More often they would write letters asking for the central authorities to intercede on their behalf. Indeed, MH12 contains many tens of thousands of such letters, narratives like that of William Chance, who joined other paupers in sending a letter from the workhouse of Newport Pagnell Union (Buckinghamshire) to the Commission on 20 January 1845. They complained about the quality and quantity of food and the men contended that they had 'To labour Very Hard at the Mill and that [the food] will Not maintain our Constitution to our Employ'. Despite frequent complaints to the Workhouse Master and Guardians, the men asserted, they were kept under lock and key, unable to speak to their wives and children more than once a week. Most of the inmates, they contended, believe that 'the Existence of Convicts far Exceed Ours'.[15] This powerful litany of pauper agency, involving sustained complaint, dramatic rhetoric, yardsticks of fair treatment and an attempt to assert their respectability through a comparison with prison inmates denotes a resistance to state power. Moreover, in this case at least there is evidence that the state was listening. Assistant Poor Law Commissioner Robert Weale was dispatched to the Union on 29 January 1845 to investigate the circumstances of the letter. He ultimately concluded that Chance was a man of ill-repute and exonerated the Union but the fact of his rapid attendance would necessarily have confirmed the value of pauper agency to the local poor.

This agency winds its way through numerous letters to the public authorities and is most clearly exemplified in medical scandals and medical-related appeals. Thus, when Richard Blood wrote from the workhouse of the Basford Poor Law Union (Nottinghamshire) to the Poor Law Board on 17 June 1852 to complain about his medical care, he was joining thousands of others caught up in actual or potential negligence cases. Noting that he had been under the care of the workhouse doctor for an asthmatic complaint and that the doctor had ordered an alteration to his diet so as to include tea and coffee, Blood related that 'in five weeks the governor [of the workhouse] stopped the same contrary to the Rules of the House'. The changed dietary was reissued by the doctor and was again countermanded by

14 D. Green, 'Pauper protests: power and resistance in early nineteenth-century London workhouses', *Social History*, 31 (2006), pp. 137–59, and D. Green, *Pauper Capital: London and the Poor Law, 1790–1870* (Farnham, 2010).

15 The National Archives (hereafter TNA) MH 12/489/250, folios 361–64.

the workhouse master, leading Blood to a direct appeal to the guardians where the 'chairman ordered me out of their pressants'.[16] There is no record of the review of the case ordered by the Poor Law Board, but the fact that it was ordered at all points to the sensitivity of the central authorities to the explosive nature of medical neglect and negligence cases for the standing of the local Poor Law. In turn, this work on agency has, as I have already observed, fed subtly into a rethinking of the nature and consequences of workhouse regimes. Just as autobiographies have suggested that workhouses were not as loathsome to the sentiments of the poor as earlier commentators have suggested, so we might suspect that, in terms of education, medical care and nutrition, workhouse inmates were in a better position than their immediate counterparts outside the workhouse.

A fourth historiographical development has been the (still unfinished) analysis of workhouse staffing. The staffing files of poor law unions are notoriously difficult in terms of both survival and complexity, but historians of nursing have pointed conclusively—in a variety of spatial and socio-economic contexts—to sustained attempts at professionalization of nursing between the 1840s and 1880s. By the latter date, healthy or less ill paupers could still be found tending the sick in both rural and urban workhouses, notably in Wales or the northern English uplands, but the majority of institutions had switched to professional nursing even if the numbers of such nurses remained inadequate or subject to the guardians' penny pinching.[17] Kim Price has similarly advanced our understanding of the role and professionalism of workhouse medical officers and other medical personnel, suggesting that by the 1860s the authority of such medical men was such as to worry the guardians who employed them.[18] Work on New Poor Law scandals or on the particularly bleak parts of the Crusade against Outdoor Relief has similarly begun to define more clearly the role of workhouse masters and matrons and to trace the slow but definite winnowing of the bad apples in this barrel. Historiographical development can also be seen in relation to those who played a more transient part in the running of workhouses: the schoolmasters, cooks, porters, task masters (for vagrant wards), religious men and workhouse visitors. Richard Talbot, for instance, has traced the indefatigable (and ultimately successful) attempts of the Catholic Church to extend their religious influence in the Stoke-on-Trent workhouses, while Theresa Deane, myself and others have argued that workhouse visiting committees (increasingly female led or dominated) came to exercise considerable leavening power over the quality of workhouse practice and staffing behaviour in the later nineteenth century.[19] Crowther's discussion of staffing in 1981 has thus been systematically extended and enriched, though it remains the case that, apart from the

16 TNA MH 12/9234/41, folios 58–123.

17 For a broad survey see contributions to A. Borsay and B. Hunter (eds), *Nursing and Midwifery in Britain since 1700* (Basingstoke, 2012).

18 Price, *Medical Negligence*.

19 Talbot, 'North-south divide'; T. Deane, 'Late nineteenth-century philanthropy: the case of Louisa Twining', in A. Digby and J. Stewart (eds), *Gender, Health and Welfare* (London, 1996), pp. 126–54; and S. King, *Women, Welfare and Local Politics 1880–1920: 'We Might be Trusted'* (Brighton, 2010).

work of Karen Rothery and Geoff Hooker, we still know extraordinarily little about the very top of the union staffing structure, poor law guardians themselves.[20]

In turn, and a fifth distinctive historiographical trend of the last 30 years, we have seen the accumulation of studies of iconic moments and places in New Poor Law history. Elizabeth Hurren has revisited the Brixworth Union originally analysed by Anthony Brundage to trace the brutal impact of pure crusading ideology, though even here pauper resistance to individual decisions and the fact that local elite populations did not stand solidly behind crusading guardians is notable. She argues persuasively that the Crusade against Outdoor Relief was made up of multiple stands of thinking and action, so that although relatively few unions were out-and-out Crusaders, a much wider suite of places adopted elements of the crusading palette.[21] More widely, Hurren, myself, and others have analysed the coming of local democracy to poor law elections after 1895, arguing that greater local accountability changed the scope and purpose of the poor law and the relationship between guardians and their staff as well as between guardians and the Local Government Board (LGB).[22] Meanwhile, Lori Charlesworth has sought to reconstruct the 1865 Union Chargeability Act, seeing it as a critical point in the development of legal rights to relief.[23] Certainly it marks a step-change in the attitude of guardians to union finances and particularly their willingness to borrow in order to improve the fabric and equipment of workhouses according to the best modern principles, of which the LGB and its predecessors sought increasingly to make them aware.[24]

Finally, in this review of historiographical developments post-1981, we can focus on the issue of female poor law guardians. When (if ever) women were barred from standing as guardians as opposed to leading or participating in union activities, such as workhouse visiting committees, is a complex matter. By the 1880s, however, it is clear that middling women were coming to extend their influence over union practice and policy both directly and indirectly through use of the power of their husbands. In my own work on Bolton, long before the prominent Unitarian Mary Haslam managed to get elected as a guardian, she had used the power first of her father and then her husband to change workhouse diets, reform apprenticeship for male and female children, and force through a requirement for professionalization in areas such as nursing. Once elected, she quickly realised that (as Karen Rothery has also found for Hertfordshire) regular attendance of meetings in a context where male guardians had at best a patchy presence, could result in the passage of fundamental and transformational policy change with almost no opposition. Rich husbands helped, of course, but female guardians were a source of vital dynamism, arguably more

20 K. Rothery, 'Under new management: the administration of the 1834 New Poor Law in Hertfordshire' (unpublished PhD thesis, University of Hertfordshire, 2017) and G. Hooker, 'Llandilofawr Poor Law Union 1836–1886: "the most difficult union in Wales" ' (unpublished PhD thesis, University of Leicester, 2013).

21 Hurren, *Protesting about Pauperism*.

22 King, *Women, Welfare and Local Politics*.

23 L. Charlesworth, *Welfare's Forgotten Past: a Socio-Legal History of the Poor Law* (London, 2009).

24 See the contributions to Gorsky and Sheard, *Financing Medicine*.

vital than working-class male guardians after 1895, in the late New Poor Law.[25] While the constellation of sources for Bolton Union was and is particularly rich, almost one third of unions by 1900 had a significant core of female guardians in place and work currently in progress and fusing together poor law sources, newspapers and family papers augers well for a fundamental, and gendered, reconsideration of poor law administration from the 1890s.

This brief review of a rich and complex literature gives a sense of how Anne Crowther's agenda has been modified or carried forward. There remains much to be done, however, and articles elsewhere in this special issue take up questions of workhouse populations, the complexion of medical care available to paupers, and the composition of boards of guardians. Peter Jones also revisits the remarkably neglected question of the differences in poor law practice and policy between England and Wales and between England and Wales and Scotland. To discern whether there was something distinctively 'Welsh' about the New Poor Law in Wales remains arguably the biggest single question for welfare historians of this period.

## Rethinking the New Poor Law

In the remainder of this article, we move from Crowther's 1981 agenda to look at several areas in which work has begun or might be begun and which could fundamentally transform our understanding of the scope, purpose, sentiment and character of the English and Welsh welfare system. This is at best a partial agenda to which others might add. We continue to know little, for instance, about the outdoor as opposed to indoor staff of the unions. As Elizabeth Hurren has shown in the context of the Crusade against Outdoor Relief, the relieving officer was the first and only point of contact for most people with the New Poor Law in 'normal' times. We know almost nothing about the group of men (and some women) who fulfilled this role. We casually assume, on the one hand, that their activities were so constrained by central and union rules that experience and standing did not matter and, on the other, that they were deliberately recruited form outside the areas for which they were responsible, as guidance from the central authorities consistently recommended. Such assumptions are incorrect; the surviving records of relieving officers demonstrates that they had considerable discretionary power, something that is given added weight by frequent admonishments in the minute books of some unions for relieving officers who overstepped the mark in the use of that discretion.[26] In most places, the first

25 King, Women, *Welfare and Local Politics*. Benjamin Woodcock, the Master of Barnet workhouse, kept a diary which also reveals the influence of female visitors even in the early days of the Barnet Poor Law Union. See G. Gear (ed.), *The Diary of Benjamin Woodcock, Master of Barnet Union Workhouse, 1836–1838* (St Albans, 2010). I am grateful to the anonymous referees for this point.

26 The most complete set of records that I have found are for the York Union, where a continuous run of admission and discharge books, annotated out-relief registers and local correspondence (as opposed to that with the central authorities) all survive. Dr Paul Carter of The National Archives is currently co-ordinating a series of grant bids to conserve and properly catalogue these collections. While the longevity of the York collection may be notable, other places also have important material, for instance the Towcester and Oundle Unions in Northamptonshire, where letters, out-books and central correspondence on relief practice all survive.

tranche of relieving officers were generally local men who had had some involvement in the Old Poor Law, as were many workhouse staff, an inevitable outcome of the speed with which the New Poor Law was introduced and which comes out very strongly in Karen Rothery's rendering of Hertfordshire. Subsequent cohorts of officers in the 1840s *did* tend to be *outside* appointments but by the 1850s and early 1860s relieving officers in many unions in the Midlands were in fact local men and women (a trend given weight by union chargeability). In Brackley Union, for instance, three of the four officers were locally born and still had family in the area.[27] A further area of important future work that I can dwell on only briefly is the way in which guardians understood the Poor Law as an economic system. Douglas Brown's wider work on how contracts (for equipment, food, etc) came to be formulated under the New Poor Law, allied with Kim Price's research on the nature of medical contracting for Poor Law work, speaks keenly to the sense that at least in the first three decades of the New Poor Law the economics of welfare was tied up with local patronage. Both authors trace subtle regional nuances in the nature and value of contracts and the mechanisms for awarding them, observations that demand greater testing through micro-studies.[28] The point, though, is rather wider than this. While welfare historians have not really looked at it outside of loan agreements for building and rebuilding workhouse fabric, the evidence for how guardians understood the economics of welfare is plentiful. It extends to fact-finding reports, value-for-money audits, circulars, newspaper reporting, accounting and benchmarking information constructed locally or nationally, correspondence with central authorities over staffing, relief or particular pauper cases, and discussions of parochial and then union rating. The briefest look at this material suggests that guardians learnt and fostered an ever more sophisticated understanding of the New Poor Law as an economic rather than simply a socio-cultural system, and that they began—from the 1850s at least—to ground their policies in more rigorous comparative analysis. This matters both in and of itself but also because it means that enduring policy and practice differences to which I return below were deliberate and deliberated, rather than simply accidental, born of ignorance or a sign of resistance to a central authority. This was true even in Wales, where resistance and variant practice have often been carelessly elided.

Issues such as these clearly demand more work, but the rest of this article focuses on five broader themes by way of agenda setting. The first relates to aspects of workhouse populations. There is work still to be done on the composition of workhouse populations, particularly juxtaposing proximate unions or at county level. There is also, however, much to be added by employing a wider canvas such as that provided by the I-CeM project to make searchable versions of the census.[29] One example of the potential of this material

27 King, 'Rights, duties and practice'.

28 D. Brown, 'Pauperism and profit: financial management, business practices and the New Poor Law in England and Wales, 1834–*c.*1890' (unpublished PhD thesis, King's College London, 2014); Price, *Medical Negligence*.

29 E. Higgs, C. Jones, K. Schürer and A. Wilkinson, *Integrated Census Microdata (I-CeM) Guide*, University of Essex [September 2013] https://www1.essex.ac.uk/history/research/icem/documents/icem_guide.pdf [accessed 12 October 2017].

can stand for many. Thus, the later nineteenth century censuses asked questions about three forms of impairment: deafness, blindness and mental illness. Acknowledging all of the interpretational problems stemming from the formulation of census questions in the first place, their translation on the ground (which are potentially severe in the case of physical impairments) and their subsequent transcribing and collation, the answers to these questions notionally allow us to discern what proportion of people with such impairments lived in families, on their own, in workhouses or in specialist institutions. This is not a new observation.[30] Nonetheless, within and between census years the digitisation of returns affords a more systematic and strategic viewpoint. An analysis of the 1881 census, for instance, shows that families in Wales and Norfolk were much more likely to have people with physical impairments living with them than was the case in, say, Northamptonshire or West Yorkshire. It seems unlikely that the rate of physical impairment would be very different between the counties and so the inference, played out by even the most cursory look at workhouse populations in the two counties, is necessarily that there were fewer people with such impairments in local or regional institutions such as workhouses. Thus, although a census snapshot of a workhouse population is important it cannot reveal in and of itself the meaning of that workhouse population and thus the role and character of the New Poor Law and its workhouses.

A second issue regarding workhouse populations stems from this: while the presence or absence of different groups or age ranges in workhouse populations is important, it is arguably persistence, cohort dilution and circulation that really locates the place of indoor relief in the local welfare dynamic and begins to get to the heart of the understanding of the New Poor Law by its clients, staff and local policymakers. The patchy or poor survival of detailed admission and discharge books makes analysing this difficult but good material for places like York and Brackley means that it is not impossible. In Brackley, five- and ten-year persistence rates were, throughout the period 1835–1885, low. That for the period 1841–1851, for instance, stood at just 16 per cent. Adding cohort depletion by death means that even in this decade the vast majority of workhouse inmates present in 1841 walked out the door thereafter. Thereafter the median sojourn in Brackley workhouse between 1851 and 1861 was less than four years. It is difficult to calculate a circulation rate, but approximately 29 per cent of the entire population of the two towns had some contact with the workhouse between 1861 and 1881, suggesting a very fluid and mobile 'pauper' population in which a workhouse sojourn could intermeld stretches of independence, partial independence supported by families and dependence upon outdoor relief.[31] It follows, then, that reluctance to enter or active avoidance of the workhouse was not a uniform sentiment and practice. There were regional, situational and personal influences on attitude and it could not have escaped the notice of some prospective or actual paupers (for instance preg-

30 See for instance E. Miller, 'Variations in the official prevalence and disposal of the insane in England under the poor law, 1850–1900', *History of Psychiatry*, 18 (2007), pp. 25–38.

31 Northamptonshire Record Office PLB 1. This holding contains more than 700 sets of accounts, minutes, registers and numerous sets of correspondence.

nant women) that the treatment they were likely to receive in the workhouse was better than that to be obtained through personal or neighbourhood provision.

A second focus for future work might be the importance of personality. It is well understood (largely in the context of union formation or at the time of scandal) that the personality of guardians, inspectors or officers could influence the tone, organisation and meaning of welfare. The same was true under the Old Poor Law. Rarely, however, has this observation been followed to its natural conclusion. The laws, orders and circulars of the New Poor Law embodied a potentially powerful framework for the prevention of tyranny, the exercise of too much local power and patronage and limitations on local power. Yet as Geoff Hooker and Karen Rothery have both proved in Welsh and English contexts respectively, the individual or collective personality of guardians mattered for the nature of practice and the experiences of paupers. It mattered too for workhouse masters, medical and relieving officers and even porters. And it mattered above all in the case of paupers, where a rabble rousing or vocal inmate or recipient could cause havoc for institutions and policies. Such, for instance, was William Spokes of Holcot (Northamptonshire) who wrote to the LGB in 1871 to say that:

> i write to in form you i met the bord last Thursday for to get a paper [order for treatment] for my wife for she is not well and i haven't not had any work for ten weeks only a day when i cold get sir i have had work to get a bit of Bread and i thought we should be next in the House being thy would not give me a paper for my wife for she is no time to count she was bad when i met the bord last Thursday last

Noting that he had one child, Spokes ended his letter on an element of pathos, arguing that his wife 'must lay and die for i have done My best Sir'.[32] A draft reply from the LGB on 7 March 1871 accused Spokes of turning down work that had been offered and placed the matter firmly back in the hands of the local guardians.[33] The case did not, however, have the finality that this reply might have intended; Spokes and his wife were to become a *cause célèbre* for critics of the later New Poor Law and the LGB was to receive 14 further letters from or about him before his death in 1876. This wonderfully orthographic narrative demonstrates not only the fragile hold of mass literacy even by the 1870s, but also just how much time and energy might be absorbed by a single 'troublesome' personality. On the other hand, personalities were also transient. Good or bad workhouse masters and staff moved on, truculent or vocal paupers became independent, died or left, and good and bad medical men died, left or were dismissed. In England, at least, prominent guardians retired, died, found other things to do and stopped attending or simply moved from the area, such that the influence of their personality—good or bad—was lost. The same seems to have been rather less clearly true for Wales, where dynastic boards of guardians exercised more

32 TNA MH12/8698, Undated letter.
33 The draft reply, with crossing out, is attached to the original.

seamless control. However we look at it strong personalities could, at least temporarily, colour the operation of the New Poor Law in complex ways which are not allowed for in current welfare historiography. Much more research is needed on the politics of personality.

A third avenue for future research is partly correlated with issues of personality: specifically the nature, locus and exercise of power under the New Poor Law. I argued above that ingrained early historiographical notions of the depth and reach of the power of union staff and the guardians to whom they reported are misplaced. For every case of abuse and scandal it is possible to trace several in which the central authorities, workhouse visitors, guardians, reporters and others clipped the wings of those with power. Newspaper reporting became a particular scourge of officials and others from the 1850s. A letter to the editor of the Northampton Mercury in 1873 is emblematic. Commenting on reporting of a recent Board of Guardians meeting, the writer noted 'some Guardians know how to deal with the poor justly and firmly, whilst others don't care how the poor suffer as long as they can save their pockets'. Trusting 'that the Leicestershire Gentlemen are proud of their members doings' the unnamed correspondent signed off by claiming to be a pauper subsisting on 1s. 6d. per week, plus a loaf.[34] By fusing poor law records with other more unconventional sources, however, it is possible to obtain an even more vivid sense of the constrained power of those who could officially wield it. Thus, in coronial records, we frequently encounter the deaths of paupers inside and outside the workhouse. Many could be straightforwardly dealt with by the coronial jury, but others presented more complex considerations. The records of the Lincolnshire Circuit, for instance, suggests that coroners from time to time had to explore two sorts of cases in more detail: first, those where the inspection of a body or consideration of basic evidence by the jury gave cause for concern (for instance where a pauper was seen to be emaciated, bruised or where a drugs overdose was suspected); and, second, those where the coroner himself picked up—or those deposing to the jury outlined—rumours about the ill-treatment of paupers. Ralph Warren's unexplained death at Louth in June 1843, for instance, occasioned further investigation because the jury had 'received rumours of the ill treatment and starvation of the said Warren by John Smart the workhouse porter so that he died falling into a pit in flight from the said Smart who had threatened to beat him with a pole'.[35] Smart was one of more than 100 officers or guardians called before the coronial juries of Lincolnshire between the 1830s and 1860s. In his case the jury found nothing to substantiate the rumour. Indeed, this is true of almost all those connected to the Poor Law who were called (barring the occasional workhouse master, teacher, medical officer or relieving officer who clearly neglected their duties or were barbaric) to give evidence. Yet these cases were widely reported and the consequences of coming out of the engagement with anything other than a spotless reputation were severe.

34 *Northampton Mercury*, 10 May 1873.

35 Lincolnshire Family History Society, *Lincolnshire Inquests Volumes I and II, 1753–1880* [CD ROM] (Lincoln, undated).

In other words, ill-treatment could be found out and rumour, invariably emanating from the workhouse or district itself, could have fundamental consequences. It is for these reasons that relieving officers in Lincolnshire and nearby places such as Yorkshire can be found negotiating with paupers over their relief scale and locus and why the full range of punishments available to masters against refractory paupers was almost never used. A much more complex inter-source exercise to 'map' limitations to the power of officers and policy makers is clearly needed.

A fourth and related theme for future research is resistance and agency. When William Spokes wrote to the central authorities from Holcot, he had a clear sense that he was engaged in a process of correspondence, with a realistic chance that the LGB would either reply in writing or reply with actions. While the outcome may not have been what Spokes wanted, the train of correspondence that followed his letter would have proved him right. It is inconceivable that such instances of agency did not enter into the basic thought processes of those engaging the Poor Law in the provinces. The National Archives's MH12 is, as I suggested earlier, replete with people like Spokes whose cases encompass every one of the New Poor Law unions and which must have given a sense and even actuality of agency. Elizabeth Hurren has seen similar things in the context of the Crusade against Outdoor Relief, while Paul Carter has been running a project to transcribe for a small selection of unions the circular correspondence revolving around individual pauper letters.[36] This material notwithstanding, it is clear that the history of the New Poor Law is still by and large a history from above. Welfare historians have not, through a process of reconstructing agency and understanding that the poor had an active part in shaping the relief processes to which they were notionally subject, garnered a New Poor Law history from below to match that now being created for the Old Poor Law. Creating such a history requires a new focus on the everyday experiences of the indoor and outdoor poor so as to understand both their thoughts and feelings and the feedback loops to the staff and policy makers with whom they engaged. There are many starting points for such an exercise. Megan Doolittle reminds us that a sojourn in the nineteenth century workhouse by men can be constructed as compromising their dignity and their roles as men, fathers and providers.[37] Pauper letters provide plenty of evidence of this feeling in action, as well as wider sentiments of hopelessness, suffering, injustice, decline, anger and resignation. The poor, as Alannah Tomkins reminds us, were heavily prone to depression and melancholy.[38] There were also, however, and equally in their own words, counter indications: hope, gratitude, a sense that a situation could be recovered, entitlement, right, duty and positive

36 P. Carter and N. Whistance, *Living the Poor Life*, The National Archives [2010] http://www.nationalarchives.gov.uk/documents/archives/living-the-poor-life-2010.pdf [accessed 12 October 2017].

37 M. Doolittle, 'The duty to provide: fathers, families and the workhouse in England, 1880–1914', in B. Althammer, A. Gestrich, and J. Gründler (eds), *The Welfare State and the 'Deviant Poor' in Europe, 1870–1933* (Basingstoke, 2014), pp. 58–77.

38 A. Tomkins, ' "Labouring on a bed of sickness": the material and rhetorical deployment of ill-health in male pauper letters', in A. Gestrich, E. Hurren and S. King (eds.), *Poverty and Sickness in Modern Europe: Narratives of the Sick Poor* (London, 2012), pp. 51–68.

kinship support. Just as early historiographical views of the Old and New Poor Laws constructed these systems as embodying an essential financial balancing act between duties to taxpayers and obligations to paupers, so a New Poor Law history from below demands that we balance sentiment, language and lived experience against scandal, official policy and the arid local records of unions.

Finally, we might return to the need for more co-ordinated research on the nature of spatial variation in policy and practice. To ask the question 'is there anything particularly Welsh about the New Poor Law in Wales?' is, as was suggested above, really very important if we are to understand the purpose and character of the New Poor Law in its different chronological and legal guises. Yet, as Karen Rothery, Richard Talbot, Peter Jones and others who have worked on a wider spatial canvas *within* the English context will testify, one of the most striking features of the New Poor Law from 1834 until at least the early 1900s was the variability of practice. One part of Stoke did not, in poor law terms, look like the second part of Stoke and so it is unsurprising that unions in West Yorkshire, Norfolk or Shropshire were as different as chalk and cheese in everyday practice and policy. In this context there is a sharp need for more comparative studies on the widest spatial canvas. This is, of course, easier said than done but the increasingly apparent diversity of local practice leads inevitably to the biggest of questions: 'does England and Wales exhibit more than one poor law?' Put more prosaically, at what point does local and regional variation become sufficiently wide and ingrained to suggest that the intent, character and role of a welfare system must be fragmented into different types of welfare regime? At a time when we become increasingly aware that England and Wales were very far from unique on the European stage in their welfare systems over the course of the eighteenth and nineteenth centuries, such a question and intent has many important implications.[39]

## Conclusion

Both absolutely and compared to its predecessor, the building of the empirical foundations for a truly national understanding of the New Poor Law has been slow and patchy. There are many logistical reasons for this state of affairs, but now is the moment to step beyond the study of individual unions or smaller questions to a wider comparative canvas. A raft of as yet unpublished PhDs, ranging across very different socio-economic contexts and both England and Wales, offer a not-to-be-repeated starting point for the construction of a very different vision of the purpose, practice and sentiment of the New Poor Law. The synthesising work of Samantha A. Shave points the way forward. Her discussion of poor law process and the complex, locally centred, formation of policy encourages us to step beyond the generalities and to see the New Poor Law as an environment in which effective commu-

39 J. Innes, S. King and A. Winter, 'Settlement and belonging in Europe, 1500–1930s: structures, negotiations and experiences', in S. King and A. Winter (eds.), *Migration, Settlement and Belonging in Europe, 1500s–1930s* (Oxford, 2013), pp. 1–28.

nication, learning from scandal and setting normative standards became crucially important.[40] Putting together this work and extending further the empirical base in the ways that I have suggested, in particular having an ear to the voices of the poor themselves, will offer the chance of (at last) writing a New Poor Law history from below.

40 S.A. Shave, *Pauper Policies: Poor Law Practice in England 1780–1850* (Manchester, 2017).