

**THE OLD SCOTTISH POOR LAW  
IN SCOTLAND: THE EXPERIENCE  
OF POVERTY, 1574-1845**

Rosalind Mitchison. Edinburgh, Edinburgh University Press,  
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osalind Mitchison's fine new book offers the first full-length study of the Old Poor Law of Scotland from its legislative origins in 1574 to its demise in 1845. At heart, it is a book about Scottish values and class relations. Professor Mitchison outlined the main lines of her argument in a pioneering and somewhat controversial *Past and Present* article in 1974. Many of her conclusions – which are not calculated to reassure those inclined to extend the benefit of the doubt to men in authority – will be familiar to specialists, but here the case rests much more securely on a mountain of archival research undertaken over the past twenty-five years. The author has peered into the kirk session records of no less than three hundred of Scotland's nine hundred-odd parishes, and it is this engagement with the records of poor relief at ground level, with the real experience of poverty in every region of the country and over more than two centuries, that sets this book and its conclusions apart from previous studies based mainly on legal statutes and the published statements and writings of late eighteenth- and early nineteenth-century lawyers and ministers.

The book begins with a deft survey of the first century of the Scottish Poor Law. The great upheavals of the sixteenth century – population increase, climatic change, price inflation, currency debasement, the increased scale and expense of war, profound religious and political disruptions in many areas – pushed large numbers of people into destitution. There was a new sympathy for the poor in many quarters, but also a heightened fear of their numbers and violent potential. Governments across Europe

struggled to cope. The most effective response to the problem of poverty was the Old Poor Law of England, set out in the famous Act of 1572 that became the foundation of English local government. In 1574 the Scottish Parliament issued a near copy of the English Act as its own blueprint for poor relief. Scotland, however, lacked the resources and centralized system of government on which the English system depended. Professor Mitchison reminds us that little came of this initial legislative effort: Scottish landowners would not consent to local taxes for the poor called for in the Act, and the government had no means to compel them. That initial refusal by the propertied classes to support a poor rate set the tone for much that followed.

Scotland's poor relief system came to be managed differently than England's. Central government was weaker in Scotland, but the Church was stronger. By 1600 the Scottish Parliament had acknowledged that any comprehensive poor law would have to be administered by kirk sessions, the only effective units of local government in many communities. Kirk sessions were established as early as the 1560s in the major burghs, but it took until about 1640 before nearly every Lowland parish had one, and some parts of the Highlands were not so equipped until late in the next century. Once established, sessions quickly began to oversee poor relief as well as godly discipline. As in other countries, relief practices first developed in larger towns gradually filtered out to the countryside, and over time a degree of uniformity set in.

Professor Mitchison demonstrates that it was really only from the middle of the seventeenth century that the Scottish Poor Law functioned over a significant part of the country. By that point the main characteristics of the system that were to persist for two centuries were set. Potential recipients were screened to weed out those able to work, or under church censure, or from another parish: such people might receive the occasional small dole, but nothing regular. Some workhouses and hospices were built, mainly in the big cities, but these proved costly and inefficient. The "deserving" poor of distressed but otherwise worthy local people were treated instead to various forms of "outdoor" relief intended to help sustain them

at home. Some parishes offered help with child care, schooling, vocational training, medical expenses, or burial, and the occasional bible was given out, but most of those on the poor rolls received small weekly handouts of cash or oatmeal. Provision varied somewhat from place to place, but nowhere at any time would public charity provide for all of a person's needs. Poor relief was only ever meant to supplement the poor's efforts to support themselves through odd jobs or begging, or to augment the private charity of family, neighbours, and friends. The kirk's support alone would not keep an adult from starving, let alone provide for the other bare necessities of life.

Having rejected a regular poor rate, the Scots normally paid for their Poor Law with voluntary donations, mainly collections at church services, augmented by mortcloth and pew rentals, the occasional legacy, and fines paid by convicted sinners. (I would like to have heard more about this and other links between the war on sin and the war on poverty, especially since Professor Mitchison and the late Leah Leneman recently published two good books on godly discipline.) From the eighteenth century on the voluntary system came under increased strain as dissenting congregations broke away from the state Church. Long before then, however, many parishes had turned to mandatory assessment in times of crisis. One of the author's key findings stems from her examination of 229 kirk session registers surviving from the last great Lowland famine in the 1690s. She found conclusive evidence that Glasgow, Edinburgh, Aberdeen, and 46 other communities (20% of the sample) introduced some form of mandatory assessment during the emergency (p.36). Assessment was also introduced during other crises, but never without resistance from local heritors. One way that landowners could subvert assessment was by staying away from key meetings, and with her usual acuity the author notes that "Records of heritor's and session meetings show a sharp difference between the attendance when such prestigious topics as the allocation of seats in church were made, or decisions about repair to the fabric of the church, and about assessment" (p.39).

Professor Mitchison acknowledges that, one way or another, by the late eighteenth century the Poor Law had been made to

work well enough to keep people alive within their communities in most parts of Scotland. Rapid economic change thereafter, however, left some people much better off even as others saw their traditional livelihoods disappear. Just as the need to shift towards regular assessment would seem to have become obvious, however, the opposition to poor rates on the English model grew stronger than ever before. Indeed, the fact that occasional assessment had been an integral part of the Scottish Poor Law was rapidly forgotten, or more properly buried, by lawyers and evangelical ministers keen to promote the myth that poor relief in Scotland had always been sustained on an entirely voluntary basis. Lawyers representing landed interests knew that provisions in the Poor Law for assessment could be stricken from the books if the courts could be convinced they had never been applied, while evangelicals inspired by Malthus and caught up in the individualist ethos of the time argued that poor relief actually harmed the poor by depriving them of the necessary incentive for self-improvement. The Rev. Thomas Chalmers was the leading proponent of these latter views, and Mitchison reserves for him her most withering scorn for having “elevated the natural ungenerousness of humankind into a virtue” (p.209).

Rosalind Mitchison pulls no punches, and when she sets pious pronouncements against the evidence of past practice, the effect is devastating: some brave soul may yet wish to revive the case for a kinder, gentler Scotland, but it will not be easy. This is a fully formed book, the product of a quarter-century of copious research and mature deliberation. It bristles with stern judgements and sharp opinions backed by carefully sifted evidence that seeks to persuade without overwhelming the reader. The writing sparkles, and the book is a pleasure to read. A grim story well told, it is essential reading for anyone interested in the Scottish past.

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