

FAMILY TIES, POOR RELIEF AND ECONOMIC GROWTH IN WESTERN EUROPE,  
LATE 16TH-EARLY 19TH CENTURY.

THIJS LAMBRECHT

State Archives Belgium and Ghent University

[Thys.Lambrecht@Ugent.be](mailto:Thys.Lambrecht@Ugent.be)

« Work in progress »

I

Between 1696 and 1748-50 poor relief expenditure in England rose from c. £400,000 to c. £690,000. In real terms, expenditure doubled from c. 0.04 quarters of wheat per capita to c. 0.08. The growth in welfare spending surpassed population growth as expenditure rose from 1.5 to 2.3 shillings per head of the population.<sup>1</sup> At the same time, there were no apparent signals that living standards deteriorated. Population levels and real wages remained fairly stable throughout this period. The recent estimates by Craig Muldrew indicate that the household income of an agricultural labourer rose between the 1690's and the 1760's. More importantly, disposable income quadrupled in the first half of the eighteenth century. By the 1760's English labourer's households disposed of an annual surplus of an impressive £19 2s.<sup>2</sup> Muldrew's meticulous and detailed research indicates that the living standards of English labourers rose between 1650 and 1770. Both in terms of food consumption (and caloric intake) and material culture, this period was characterized by relative affluence. Labourers have emerged out of the analysis of Muldrew as active consumers whose expenditure patterns influenced aggregate consumer demand.<sup>3</sup> And still, at the same time when living standards were rising, there was a growth in welfare expenditure. Both Slack and Muldrew have addressed this apparent contradiction. For Slack (and Smith), the rise in poor relief expenditure between 1690 and 1750 was the result of rising care standards. The elderly in particular received higher pensions.<sup>4</sup> Muldrew suggests that local under-employment could have influenced local spending, but does not confront this paradox directly.<sup>5</sup>

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<sup>1</sup> Slack, *The English poor law*, p. 22. The figure for 1696 is probably too high. See Slack, 'Government', pp. 56-57.

<sup>2</sup> Muldrew, *Food*, p. 257.

<sup>3</sup> Muldrew, 'From credit to savings'.

<sup>4</sup> Slack, *The English poor law*, p. 24; Smith, 'Ageing and wellbeing', pp. 78-79.

<sup>5</sup> Muldrew, *Food*, p. 319.

It is by now well established that English labourers enjoyed a relatively high living standard between c. 1650/60 and c.1750/60. At the same time the English welfare net was cast more widely than ever before. An increasing number of parishes started raising taxes for welfare purposes throughout the seventeenth century.<sup>6</sup> The elderly in particular came to rely more structurally on community resources. Most of the welfare expenditure in rural parishes was allocated to elderly men and women. Thus, as successive generations of labourers enjoyed higher living standards during this period, the care of the elderly in particular became a community responsibility. During a period when households witnessed a rise in their disposable income, fewer households apparently assisted their poor relatives. This paradox – growing welfare spending during a period of rising living standards – needs to be addressed in more detail.<sup>7</sup>

This paper engages with these issues and argues that this period witnessed a shift in the balance between charitable, familial and community resources for the poor. The rise of rate-based expenditure could be the result of a decline of charitable donations and the retreat of the family as a welfare agency. It is possible that poor relief expenditure rose, not as a result of increased poverty, but as a result of shifts in the provisioning of welfare. In this paper I argue that the spread of parish rates in the second half of the seventeenth century crowded out some forms of charity. The decline in charitable donations resulted in higher levels of poor relief spending raised through local poor rates. More importantly, however, I stress the relative absence of the English family in the welfare process. The rise in poor relief expenditure between c. 1650 and c. 1750 owes much to the changing role of the family as a support structure. Compared to other European regions, the English family does not emerge as an important welfare agent. English poor relief expenditure was high, it could be argued, because family support was low. This was not solely the result of nuclear hardship.<sup>8</sup> Although the caring capacity of the nuclear family was limited compared to extended families, differences in level of family care cannot be reduced to variations in the size and composition of household structures. The size and structure of the family does not necessarily reflect its internal dynamics.<sup>9</sup>

A number of historians have developed arguments to support their claims that poor relief in pre-industrial England was not necessarily the result of exceptional levels of hardship and deprivation. On the contrary, a growing body of literature on the Old Poor Law suggests that English economic growth owed much to public welfare provisioning. Richard Smith was one of the first to suggest that the exceptional economic path taken by England might be intimately connected to the specific public welfare institutions. Relief under the Old Poor Law was no longer viewed as a response to growing poverty and social needs, but more as an institution that facilitated growth.<sup>10</sup> Such a position towards

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<sup>6</sup> Hindle, *On the parish*, pp.229-255.

<sup>7</sup> The growth of welfare provisioning between 1550 and 1660, on the contrary, has been explained by deteriorating living standards. See Beier, 'Poverty and progress'.

<sup>8</sup> Laslett, 'Family, kinship and collectivity'; Smith, 'Fertility, economy and household formation'.

<sup>9</sup> Humphries, 'The first industrial nation', p. 48.

<sup>10</sup> Smith, 'Transfer incomes', pp. 205-206.

the Old Poor Law was also taken by E.A. Wrigley. Wrigley argued that the Old Poor law stimulated mobility and economic growth because risks were shared between kin and the community. Extensive communal welfare provisions were viewed as a pre-condition rather than a result of capitalist development.<sup>11</sup> Some of the arguments advanced by Smith and Wrigley were developed in a comparative European context by Peter Solar.<sup>12</sup> Solar has argued that English poor relief differed from most European welfare systems in three respects. Poor relief in England was uniform and comprehensive, based on local taxes and characterized by strong legal entitlements to relief combined with generous support. These factors led Solar to believe that the Old Poor Law, in contrast to European poor relief structures, functioned as a form of social insurance. According to Solar, the English Old Poor Law '*underpinned the growth of an economically mobile wage labour force, encouraged the consolidation of farms and facilitated the separation of smallholders from the land; provided local incentives for agricultural capital formation and industrial development; and kept population growth under control*'.<sup>13</sup> This perspective on the Old Poor Law has been contested. Steven King has argued that English relief was not as uniform and comprehensive as Solar had argued. In the industrialized north, King found no evidence of the generous assistance offered by parishes to their needy members. Solar understated regional variation within England and the contrast between England and European continent was overdrawn.<sup>14</sup> King has argued that regional variation in relief structures and support levels characterized England and other European countries.<sup>15</sup> The strong legal claims of the English population to community resources have been challenged by Steve Hindle. Hindle disputes the view that relief in early modern England functioned as a form of social insurance.<sup>16</sup> Others have been more optimistic about Solar's interpretation of the pre-industrial English welfare system. The support offered under the Old Poor Law has been linked to lower mortality levels, especially when compared to France.<sup>17</sup> Recently, Jane Humphries has extended the influence of the Old Poor Law to the debate on human capital formation. She argues that pauper apprenticeship – traditionally associated with the exploitation of child labour in the industrialization process – promoted industrial training and facilitated the allocation of labour from agriculture to the secondary and tertiary sectors.<sup>18</sup>

In his rejoinder to King, Solar stressed the need for more comparative research on rural poor relief and its relationship with European economic development.<sup>19</sup> Some historians have responded to this appeal and delved deeper into the social, political and economic causes and consequences of the Old Poor Law. Joanna Innes' comparative research on poor relief in eighteenth-century Europe has proved

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<sup>11</sup> Wrigley, *Continuity*, pp. 118-122.

<sup>12</sup> Solar, 'Poor relief and English economic development before the industrial revolution'.

<sup>13</sup> Solar, 'Poor relief and English economic development before the industrial revolution', p. 16.

<sup>14</sup> King, 'Poor relief'.

<sup>15</sup> King, 'Welfare regimes'.

<sup>16</sup> Hindle, *On the parish*, pp. 398-405, 410. See also King, 'Negotiating the law'.

<sup>17</sup> Smith, 'Social security'.

<sup>18</sup> Humphries, 'English apprenticeship', pp. 96-99; Humphries, 'Rent seeking', pp. 254-257.

<sup>19</sup> Solar, 'Poor relief and English economic development: a renewed plea for comparative history', p. 373.

essential in identifying the political factors that underpinned the distinctive character of the Old Poor Law.<sup>20</sup> Larry Patriquin has engaged in an ambitious attempt to explain the different European public welfare structures in a long-term perspective. He argued that English poor relief was indeed distinctive in a wider European context and identified access to land and the organization of labour markets as crucial factors setting England apart from her neighbours. In this neo-Marxist narrative of English welfare, Patriquin is almost exclusively concerned with the causes of different relief structures.<sup>21</sup> Recently, comparative research on England and the Austrian Netherlands has questioned the unique character of England regarding its settlement laws and policies.<sup>22</sup> These studies illustrate the added value of a comparative approach to the history of welfare regimes and structures. The peculiarities and distinctive features of the English experience can only be identified when compared with other European regions. In most of these studies, however, the economic effects of the Old Poor Law are neither extensively discussed nor explicitly addressed. This paper aims to identify some of the characteristic features of English welfare during the seventeenth and eighteenth century and their relationship to economic development. In this paper the role of kin, and intra-family solidarity in particular, is scrutinized and the English experience is set in a wider European context.

Such an exercise, off course, can obscure regional and local differences and does not do justice to the nuanced views and arguments of some welfare historians. On the other hand, a focus on the role of the family as a support agency can reveal something meaningful about the different expectations and obligations of kin members in the European past and its relationship with the different welfare structures that characterized European regions.

Section II of this paper discusses the decline in charitable donations to the poor recorded in wills. The decline of charity, however, cannot explain the rise in poor relief expenditure. Section III reviews the legal maintenance obligations of the kin group in England and France and lists the important differences that characterized these countries. In sections IV and V intergenerational care contracts in England and France are discussed. Finally, the potential economic implications of the differences in levels of family care are set out in section VI.

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<sup>20</sup> Innes, 'The state and the poor'; Innes, 'The distinctiveness'.

<sup>21</sup> Patriquin, *Agrarian capitalism*; Patriquin; 'Why was there no Old Poor Law in Scotland'.

<sup>22</sup> Winter and Lambrecht, 'Migration, poor relief and local autonomy'.

## II

*'For why are we exhorted to give to the poor in a private way, when the law makes us give as members of the public?'* (Roger North, c. 1684)

During the last decades of the seventeenth century, numerous authors voiced their concerns about the decline in charitable donations. In 1683, Matthew Hale stated (in general terms) that charitable donations and their proceeds were no longer sufficient to meet the needs of the poor.<sup>23</sup> Other contemporary voices not only claimed to observe a decline in private charity, but also offered explanations for this phenomenon. Most of these observers of late seventeenth-century English society stated that poor taxes crowded out private charity. Dudley North wrote that parish support suppressed other forms of charity. Potential donors were reluctant to donate part of their wealth to the poor *'not onely thinking it needless but foolish to doe that which is parish business'*.<sup>24</sup> His brother Roger North arrived at a similar explanation. He argued that charity and rates acted like communicating vessels: *'For what is more known than that parishes well endowed have low rates for the poor'*. Charity did not accrue to those in need, but only lowered the parish rates and thus served to *'relieve and comfort the rich'*.<sup>25</sup> Josiah Child also observed that charity had decreased and that this new attitude owed much to the introduction of rate-based relief. Voluntary donations to the poor only served to reduce the rates of the more affluent individuals.<sup>26</sup> Others stressed the fact that they did not longer have a moral duty to give to the poor as they were now forced to contribute to their maintenance through local taxes. According to a Kentish rector, his parishioners asked him: *'To what purpose therefore do you exhort us to be charitable to the poor, when we are forced upon complaint, to relieve them whether we will or no?'*<sup>27</sup> William Petty argued that poverty should be alleviated by the family and the community, but nevertheless (reluctantly) donated 20 £ to the poor in his will because custom dictated so.<sup>28</sup> Complaints about the drop in charitable donations continued in eighteenth-century writings. An anonymous author referred to the *'great decay of charity'* in 1740.<sup>29</sup> Thomas Alcock lamented extensively about the decline of charity and its underlying causes. As his late seventeenth-century predecessors, he argued that *'a law to enforce relief tends to destroy the principle it proceeds from, the principle of charity'*. As a result, the proceeds of voluntary collections for the poor had dried up and fewer individuals included charitable bequests in their wills. The fear that such donations would only serve *'as aids to the landowners or contributors of the parish'* not only resulted in fewer charitable resources, but also prompted donors to assist the poor outside the aegis of the responsibilities of the

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<sup>23</sup> Hale, *A discourse*, p. 2 : '[...] this provision doth but little in order to relief'.

<sup>24</sup> North, 'Concerning the values of land', p. 312; North, 'Some notes', p. 318.

<sup>25</sup> North, *A discourse*, pp. 31-32

<sup>26</sup> Child, *A new discourse*, p. 82 and 84.

<sup>27</sup> Assheton, *A theological discourse*, p. 80.

<sup>28</sup> Petty, *Tracts*, p. xi .

<sup>29</sup> *Proposals*, p. 30.

parish. Donors reserved their bequests for very specific institutions such as infirmaries, hospitals, and schools for the poor. However, this shift in charitable purposes did not compensate the aggregate fall in charitable donations. In his view, poor rates or '*forced charity*' had crowded out voluntary donations to the poor in the course of the seventeenth and early eighteenth centuries.<sup>30</sup>

These authors claimed to observe a shift in the balance between voluntary donations and parish rates in England between c. 1650 and c. 1750. They argued that the traditional 'mixed economy of welfare' tended to gravitate increasingly towards poor taxes raised by parishes.<sup>31</sup> Potential donors were confronted with a dilemma when contemplating sharing their wealth with the poor. Donors feared that charity would ultimately subsidize the poor rates. Their donations would not result in more welfare resources for the poor, but simply reduce the tax burden of the wealthy. Potentially, the result of their charitable donations to the poor combined with compulsory poor taxes could result in a zero-sum game. Poor taxes also affected the timing of the redistribution of wealth. As assistance was offered to the poor through parish rates, potential donors could have felt that they had already carried out their duties towards the needy and destitute. Periodical poor rate assessments thus replaced post-mortem charity. As much research has already been carried out into the history of charity in pre-industrial England, it is possible to test some of the claims of these writers. Historical evidence should suggest that there was a decline in charitable giving between c. 1600 and c. 1750. Also, if the tendencies observed by the writers cited above hold any truth, a pattern should emerge indicating that donations were increasingly separated from the administration of poor relief by parish overseers.

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<sup>30</sup> '*As poor rates have increased, private alms and gifts have lessened*'. Alcock, *Observations*, pp. 11-12, 16 and 52-53.

<sup>31</sup> See also Innes, 'The "mixed economy" of welfare'.

Table 1: Proportions making bequests to the poor in collections of wills in England, 1500-1800.

Region	Period	No of wills	Proportion (%)
Yorkshire <sup>a</sup>	1500-1650	424	10,1
Colchester <sup>b</sup>	1500-1549	287	19,2
	1550-1599	503	34,4
	1600-1649	892	27,8
	1650-1699	939	13,2
Suffolk <sup>c</sup>	1527-1660	46	45,7
Sussex <sup>d</sup>	1540-1599	110	48,1
	1600-1645	107	40,1
	1660-1699	85	18,8
	1700-1772	87	5,7
Berkshire <sup>e</sup>	1551-1580	74	32,4
	1581-1610	73	47,9
	1611-1640	106	41,5
	1661-1700	n.a.	c. 23
Berkshire <sup>f</sup>	1640-1740	152	4
Lincolnshire <sup>g</sup>	1567-1600	253	5,7 – 8,1*
	1601-1633	250	1,9 – 2,7*
	1634-1666	189	3,2 – 3,6*
	1667-1700	262	1,1 – 3,5*
	1701-1733	210	0,5 – 5,1*
	1734-1766	138	0 – 0,7*
	1767-1800	140	0 – 1,3*
Gloucestershire <sup>h</sup>	1590-1615	229	30,6
	1616-1640	184	20,1
	1641-1665	110	12,7
	1666-1690	206	4,4
Oxfordshire <sup>i</sup>	1600-1619	72	52,8
	1620-1639	75	37,3
	1640-1659	65	24,6
	1660-1679	63	11,1
	1680-1699	70	18,6
Suffolk <sup>j</sup>	1620-1639	1357	24,2
Worcestershire <sup>k</sup>	1676-1775	161	1,6
Norwich <sup>l</sup>	1699	n.a.	16
	1746	n.a.	6

Sources: <sup>a</sup> Coster, *Kinship*, p.9; <sup>b</sup> Goose, 'The rise', p. 479; <sup>c</sup> Wilkinson, 'The poore', p. 21; <sup>d</sup> Clarke, *Socio-economic life*, pp. 161 and 223; <sup>e</sup> Dils and Schwartz, 'Piety', pp. 141 and 146; <sup>f</sup> Houlbrooke, *Death*, p. 134 (n. 57); <sup>g</sup> Johnston, 'Family', p. 181 and 189; <sup>h</sup> Beaver, 'Sown in dishonour', p. 411; <sup>i</sup> Motla, 'Changing attitudes', p. 136; <sup>j</sup> McGranahan, 'Charity', p. 1277; <sup>k</sup>

Johnston, 'The probate inventories', p. 32; <sup>1</sup> Houlbrooke, *Death*, p. 134 (n. 57). \* minimum and maximum shares in two groups of parishes.

The data presented in table 2 indicate that the seventeenth century was marked by an important shift in charitable giving. In the second half of the sixteenth century, wills reveal high levels of charitable bequests. With the exception of the sample for rural Lincolnshire, all regions record between c. 30 and c. 45 per cent donors. The pattern of charitable giving changed gradually, but ultimately formidably, in the course of the seventeenth century. In all regions for which this type of data are available, fewer testators included the poor in their wills. By the eighteenth century, testators that included a gift for the poor in their will had become extremely rare. It is hard to escape the conclusion that there was a decline in the number of testamentary gifts in rural England during the seventeenth century. Although some regional differences can be observed in the proportion of charitable bequests in wills, the decline in charitable giving is evident.

Wills record a specific kind of charity. Most of the donations recorded in wills consisted of small cash sums or goods allocated to the poor. While cash bequest fell rapidly from 1650 onwards, this was not the case for endowed charities. Paul Slack has estimated that the number of endowed charities doubled between 1660 and 1740.<sup>32</sup> The research by Thompson and Kitson also does not show a decline in the number of endowed charities established after 1650. Both in terms of their numbers and the income generated, there was no decline of endowed charities after the mid-seventeenth century.<sup>33</sup> Local research indicates that there was indeed a shift in the type of charitable bequests. Cash bequests represented some 40 per cent of all charitable income in Colchester in the second half of the sixteenth century. In the second half of the seventeenth century this had dropped to circa 10 per cent.<sup>34</sup> There was a formidable shift in how charity was dispensed. Fewer testators gave to the poor in the course of the seventeenth century, but when they did they opted for charity administered and dispensed through endowed charities. The English state enabled benefactors to administer their donations outside the parish and separate the funds arising from charitable donations and those raised through rates. Steven Hindle has documented that from the early seventeenth century onwards state officials tried to prevent that charitable resources were used to subsidize rate-based expenditure.<sup>35</sup> These measures suggest that the state was indeed anxious that rates would crowd out charity completely. The state, it could be argued, offered potential benefactors an alternative route to redistribute their wealth. Through the legislation on charitable trusts the English state tried to safeguard the motivations of benefactors and ensured that their charitable donations could be distinguished from other relief resources.

The decline in cash donations to the poor was especially marked in the countryside. An increasing number of yeomen and husbandmen did not leave any money to the poor through their wills. In East

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<sup>32</sup> Slack, *From Reformation*, p. 129.

<sup>33</sup> Thompson and Kitson, 'Charity', pp. 24-27.

<sup>34</sup> Goose, 'The rise', pp. 481-482.

<sup>35</sup> Hindle, 'Good, Godly and charitable uses', pp. 170-171.



Sussex three-third of the wills of yeomen record charitable donations in the period 1600-1645. In the second half of the seventeenth century this percentage had dropped to 24 per cent. In the eighteenth century no more donations were recorded.<sup>36</sup> In Powick (Worcestershire) only 6 out of 61 yeomen and husbandmen gave to the poor in their wills between 1676 and 1775.<sup>37</sup> A similar pattern of declining charitable post-mortem aspirations by yeomen also appears from wills in Hertfordshire.<sup>38</sup> This strongly suggests that those who shouldered the increasing burden of the poor rates in the second half of the seventeenth century retreated from the charitable scene. Involuntary charity through the rates had replaced testamentary bequests to the poor in the form of small cash sums. In this sense, the rates also introduced more structure and continuity in the provisioning of welfare resources.

Thus, it could be argued, poor taxes probably did crowd out *some forms of charity* in the course of the seventeenth century. In this respect, the rise of rate-based relief expenditure could be *partly* explained by the collapse of one-time small cash bequests by large parts of the population. Rates effectively lowered overall charitable resources, though it is difficult to estimate how much the retreat of one-off testamentary donations contributed to the rise of rate-based expenditure in the first half of the eighteenth century. In the second half of the seventeenth century, the balance between charity and rates had changed. By 1700 poor taxes raised about three times more resources than charitable donations.<sup>39</sup>

### III

In most European states and regions, the responsibility of the family for the material wellbeing of its members was codified in regional or national laws. These laws identified and defined the ‘welfare family’- the family members that could, if necessary, be summoned to contribute to the maintenance of a poor relative – in the wider kinship network, specified the conditions for intra-family transfers and listed the types of assistance that should be offered. In some regions, these prescriptions were relatively vague. In the southern Low Countries for example, customary law stated that parents and children had a reciprocal duty to maintain each other, but more details are lacking.<sup>40</sup> The authoritative legal manual of the Dutch Republic described parent-child obligations in a similar way.<sup>41</sup> In France and England on the other hand, legislation concerning family obligations was more detailed and extensive. Given the differences in the organization and levels of public relief in these two countries, French and English legal regimes concerning filial solidarity are potentially instructive about the

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<sup>36</sup> Clark, *Socio-economic*, p. 227. The decline in the number of yeomen donating to the poor after the mid-seventeenth century is also attested in Oxfordshire. See Motla, ‘Changing attitudes’, p. 136.

<sup>37</sup> Johnston, ‘The probate inventories’, p. 32.

<sup>38</sup> Kent, ‘The rural middling sort’, pp. 35-36.

<sup>39</sup> Slack, *Poverty*, pp. 170-171.

<sup>40</sup> Britz, *Code de l'ancien droit*, p. 549.

<sup>41</sup> Van Leeuwen, *Het Rooms-Hollands regt*, p. 54. Manon van der Heijden claims that adult children had no maintenance duty towards their poor parents. See van de Heijden, ‘Contradictory interests’, p. 368.

nature of welfare provisioning in general. Therefore, the analysis of the legal interpretation of family welfare in this section will focus in particular on these two countries. As most of the laws on family assistance centred around the duties of children *vis-à-vis* their parents, the comparison between England and France will be restricted to child-parent relations.

To this date, no systematic study has been undertaken to chart the similarities and differences concerning family assistance in European legal literature. In a recent contribution, Lloyd Bonfield has shown that this field of research certainly has the potential to increase our knowledge about the structures underpinning the organization of poor relief. His comparison of English and 'continental' legal norms about family assistance indicates that these were quite different in terms of their configuration. In continental legal regimes filial assistance was structured in family law. The obligation to assist family in England, on the other hand, was worked out through the poor laws. Also, the English laws had a more distinct public dimension. On the continent, an individual had to start a legal action before a court to compel his family members to contribute to his support. In England, the Justice of the Peace could order family support and sanction individuals who refused to do so. Individuals could not prosecute their family members directly for failure to assist them. The parish and the Justices of the Peace could by their actions divert some of the relief costs back to the family.<sup>42</sup> On the continent, securing relief from family members followed from an interpersonal legal action whereas in England the initiative was left to public officials. It could be argued that the absence of permanent public relief institutions in most French rural communities militated against the inclusion of family obligations in poor laws. Research on old regime France has convincingly shown that most rural communities did not have the permanent relief structures and personnel of English parishes.<sup>43</sup> In such a context, family obligations enshrined in poor law risked remaining dead letter. The English model of family welfare could not operate if there were no public welfare institutions to reimburse. Seigniorial courts on the other hand were available throughout France and also dealt with matters concerning family law. Thus, the different legal configuration of family obligations in law can probably also be seen as indirect evidence for the absence of structural public relief institutions in the countryside. The differences observed by Bonfield thus probably owe their origins partly to the absence of local public welfare institutions. A close reading of the legal texts concerning filial assistance also exposes other significant differences. These differences relate to the size and composition of the 'welfare family' and their duties.

As is well known, the parliamentary acts of 1598 and 1601 codified family obligations in the English poor laws. Until the late sixteenth century existing laws had not forced family members to support their relatives.<sup>44</sup> The act of 1598 stated that the obligation to support family extended over four

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<sup>42</sup> Bonfield, 'Seeking connections', pp. 72-76. On the public character of family assistance see also Thomson, 'I am not my father's keeper', p. 271.

<sup>43</sup> Hufton, *The poor*, ch. 5.

<sup>44</sup> M. McIntosh, *Poor relief*, p. 269.

generations.<sup>45</sup> In the act of 1601 filial responsibility was restricted to three generations. The act stated that grandparents, parents and children had a reciprocal duty to maintain each other. Although this particular piece of English legislation remained in force during many centuries, the courts narrowed the applicability of the statute. In the course of the eighteenth century important restrictions were introduced. Two developments stand out in particular. First, the size and composition of the ‘welfare family’ was restricted. There was no duty for in-laws to support the parents of their partners. Thus, upon marriage a daughter ceased to be part of the ‘welfare family’ as all her possessions passed to the husband under English marital law. For young women, marriage thus constituted a potential strategy to escape legal family obligations. Grandchildren were also exempt from assistance to their grandparents. Grandparents could be compelled to assist their grandchildren, but the legal obligation did not run in the opposite direction. Second, children could not be forced to take their parents into their own homes. The type of assistance eligible children had to offer their parents was thus in effect restricted to periodical cash payments.<sup>46</sup> These restrictions were not unimportant as they effectively excluded half the offspring of a couple from any maintenance duty after marriage. Attempts were made to stimulate family care outside the scope of the Elisabethan statute of 1601. The act on pauper badges of 1697 excluded children from wearing the badge if they co-resided with parents on parish support and contributed to their care.<sup>47</sup> In the mid-eighteenth century discussions about the repeal of the Old Poor Laws prompted new legislative proposals that also included clauses about family assistance.<sup>48</sup> These proposals, however, did not translate into statute law due to their radical character.<sup>49</sup> The eighteenth century was, from a legal perspective, characterized by a decline in family responsibilities. The narrow definition of the ‘welfare family’ in English law thus probably militated against the emergence of the kin group as an important source of assistance. Also, we should take the practical problems of the enforcement of the statute into account in a society characterized by high levels of mobility. Tracing children across county boundaries undoubtedly proved difficult in a period without systematic registration of personal mobility.<sup>50</sup>

Contemporary comments on the legal enforcement of filial assistance suggest that not all necessary means were exhausted.<sup>51</sup> Decades of research on the history of poor relief in England has indeed not

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<sup>45</sup> “It is expounded that the great grandfather, grandfather, father and sonne upward and downward in lyneall discent or degree shall relieve one another as occasion shall require.” See Tawney and Power, *Tudor*, p. 364.

<sup>46</sup> Thomson, ‘I am not my father’s keeper’, pp. 268-269; Bonfield, ‘Seeking connections’, pp. 75-76; Nolan, *A treatise*, pp. 228-235;

<sup>47</sup> 8 and 9 Will. IIIc. 30. For examples of children appealing against badging orders because they supported their parents see Hindle, ‘Dependency’, p. 31.

<sup>48</sup> For example, the bill read before Parliament on 9 March 1752 extended the maintenance clause also to the ‘reputed father’ and his offspring. See *A bill for the more effectual relief*, p. 30.

<sup>49</sup> Connors, ‘Parliament and poverty’; Innes, ‘Parliament’, p. 79.

<sup>50</sup> In some cases children deliberately moved away to escape their legal duties towards their parents. See Snell, *Annals*, p. 367.

<sup>51</sup> See Alcock, *Observations*, p. 63. Alcock argued that relief expenditure for children and aged persons would be lowered if courts were to enforce filial assistance with more vigor. Although numerous authors commented on the lack of family assistance in pre-industrial English society, few actually referred to enforcement of the filial solidarity clause of the act of 1601.

uncovered much evidence of the enforcement of the filial assistance clause of the 1601 statute. Throughout England, few Justices of the Peace forced children to contribute to the support of their parents. In Warwickshire, for example, only three quarter session orders could be traced between 1625 and 1696.<sup>52</sup> Similar low levels of enforcement were found in Norfolk, Staffordshire and Kent.<sup>53</sup> In the West Riding of Yorkshire only sixteen maintenance orders were issued by the court of Quarter Sessions between 1750 and 1766. In most cases these orders forced children to contribute to the support of their parents.<sup>54</sup> Although the Old Poor Law was structured on the principle of family assistance and care based on kin ties was an essential part of the statute, the small size of the ‘welfare family’, compounded by high levels of mortality and mobility, effectively resulted in a very narrow circle of family members that could be called upon to reimburse parish relief costs. Especially when compared with other European regions, the English ‘welfare family’ was both small and simple. In France filial obligations were structured in regional customary law and case law emanating from royal courts. In Burgundy for example, customary law stated that children owed their parents and grandparents assistance in old age and poverty. In particular, children owed their parents *aliments* when the latter were unable to live from the proceeds of their estate or unable to earn a living from labour. The duty to assist elderly people without children was shifted to the legal heirs.<sup>55</sup> A similar legal regime prevailed in Lorraine. The customary laws of this region extended the burden of maintenance not only to children, but also to the in-laws as long as the alliance between the families remained intact.<sup>56</sup> In addition to the general principle of mutual assistance between parents and children, French case law clarified issues relating to the size and composition of the ‘welfare family’ and the practicalities of care and support for the elderly in a family context. The writings of Robert-Jean Pothier (1697-1772) are especially important in this respect. Pothier dealt with the issue of legal family care extensively in his books on private law. His knowledge about the subject also emanated from his practical experience as a magistrate in Orléans.<sup>57</sup> Pothier’s views on filial responsibility proved to be very influential. When the Code Civil was drafted in 1804, the articles dealing with filial assistance were copied almost literally from his work.<sup>58</sup>

French law stated that the obligation of children to take care of their parents constituted a debt that could be enforced in court.<sup>59</sup> As in England, the parents had to be able to show that they were destitute. Proof of destitution was subject to the judgment of a magistrate. Only parents without means (*‘sans bien’*) and without sufficient abilities to earn an independent living could claim assistance from their

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<sup>52</sup> Hindle, *On the parish*, p. 54.

<sup>53</sup> Wales, ‘Poverty’, p. 383; Kent and King, ‘Changing patterns’, p. 156 (note 142); Barker-Read, *The treatment*, 276-277.

<sup>54</sup> Ely, ‘The eighteenth-century poor laws’, pp. 14-16.

<sup>55</sup> Dunod de Charnage, *Observations*, p. 604.

<sup>56</sup> Riston, *Analyse des coutumes*, p. 299; Braye, *De l’obligation alimentaire*, pp. 19-20.

<sup>57</sup> On his life and works see Dunoyer, *Blackstone et Pothier*, pp. 37-59.

<sup>58</sup> See Fenet, *Pothier*, pp. 51-54.

<sup>59</sup> For what follows see De Ferrière, *Dictionnaire*, pp. 100-104; Pothier, *Traité du contrat*, pp. 8-15; Pothier, *Traité des personnes*, p. 607.

children. As a result, parents were forced to hand over all their possessions to their children when they requested assistance through the intervention of a court order.<sup>60</sup> Also, children had to be of sufficient means to be able to bear the charge of the maintenance of their parents. The maintenance children owed their parents was viewed as a solidary debt. This implied that the pension to which a parent was entitled could be unevenly distributed among the children. Magistrates took the individual financial and economic position of children into account when determining the pension. Children were expected to contribute an equal share towards the support of their parents, but if one child lacked the means or defaulted on his or her obligation, the deficit could be recuperated from the other siblings. French law incorporated all children in the 'welfare family'. Unlike England, the marriage of a daughter did not dismiss her of the duty to maintain her parents. Daughters were expected to contribute to the support of their parents even if they had not received a dowry upon marriage. In-laws also owed the parents of their partners assistance. Even if the latter had deceased, in-laws owed their parents-in law assistance. This obligation lasted until the blood relationship between the two households was interrupted as a result of remarriage of the parents-in-law or at the death of the grandchildren. The maintenance relationship between grandparents and grandchildren was reciprocal, but subsidiary. Grandchildren only owed their grandparents assistance if their own parents had deceased or were unable to shoulder the financial burden. In general the assistance given by children to their parents consisted of a cash pension and to be paid at four regular intervals. In case the children could not pay the pension a magistrate could force children to co-reside with their parents. The children could be compelled to shelter and feed their parents in their own household. Children who boarded their parents were exempt from payment of the pension. To ensure that each of the children bore an equal share of the burden, parents could be rotated in the households of their children.<sup>61</sup> The obligations of children without a household (servants for example) were limited to paying part of the pension. Elderly couples could be separated when their children decided to take them into their houses. Family members were only entitled to a pension that would guarantee their physical survival (*'les choses nécessaires à la vie'*). Children for example were not expected to pay the debts their parents had incurred. These legal prescriptions on the maintenance duties of children passed through the revolutionary years almost unscathed. In the Code Civil of 1804 no significant alterations were made to the principles of French filial obligations from the old régime.<sup>62</sup> From that viewpoint, there was a remarkable continuity in the legal role of the family in the provisioning of welfare between the eighteenth and the nineteenth centuries. Although French revolutionary legislation altered many aspects of the provision of poor relief, the family continued to occupy a central role in the welfare process. Through the Civil Code, French filial assistance law became standard practice in many European and North-American regions.

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<sup>60</sup> The parents could keep the furnishings necessary for daily use.

<sup>61</sup> In this case, rotation of parents started in the household of the eldest child.

<sup>62</sup> *Code Civil* (Paris, 1804), pp. 39-40.

The emphasis on the family in the welfare process is also reflected in the many projects and proposals to reform poor relief in the second half of the eighteenth century. The committee appointed to evaluate French poor relief policies in 1774-1776 identified the family as the first resource of the elderly poor. Elderly poor only enjoyed a right to public relief if their family could not offer the required assistance. Also, the aid given to the elderly poor was residual. Relief resources were only intended to bridge the gap between the material needs of the poor and the assistance family members could offer.<sup>63</sup> A similar viewpoint was adopted by the Revolutionary Committee on Mendicity in 1790. In the debate on the benefits and drawbacks of indoor versus outdoor relief, the potential help of the family emerged as an important argument. The Committee strongly favoured outdoor relief as this would reduce the welfare costs. Indoor relief pushed up total welfare costs as the poor were removed from their families and thus lost the potential support kin could offer.<sup>64</sup> A welfare program based on outdoor relief was, the Committee argued, less expensive as the state only had to complement what the family could not offer. In their *projet de décret* on assistance for the elderly from 1790, indoor relief was the default mode of assistance. To ensure the assistance from the family, the Committee also incorporated filial assistance clauses in the poor laws. New legal measures were proposed to ensure that the resources of the family were exhausted before individuals could apply for public provisions. The elderly could only apply for a pension from the age of 60. The value of this pension rose with age to compensate for declining work capacities. However, a contribution was expected from the children of the elderly. Although this contribution was not specified, the project stated that children refusing assistance to their parents were to be prosecuted in court. If found guilty, children could be condemned to pay for the maintenance of their parents. A conviction for failure to assist aged and poor parents also automatically resulted in the loss of civic rights. Failure to meet the societal expectations about care for parents could thus lead to the loss of political rights. In the absence of children, kin members to the third degree or heirs living in the same *département* were expected to help the elderly.<sup>65</sup> The proposals of the Committee, however, never gained legal power. Ultimately, family obligations were regulated by the Code Civil of 1804. The outcome was more or less the same. Although the bond between individual political rights and filial assistance was broken in the Code Civil, French society nevertheless remained characterized by high expectations of family welfare.

A review of French and English legal prescriptions with reference to filial assistance has unearthed some important differences. The French and English law clearly adopted a different definition of the ‘welfare family’. The number of family members that could be summoned to contribute to the welfare of the elderly for example, was substantially larger in France than in England (see Figure 1). From a legal viewpoint, the family welfare net was cast more widely in France than in England. The exclusion

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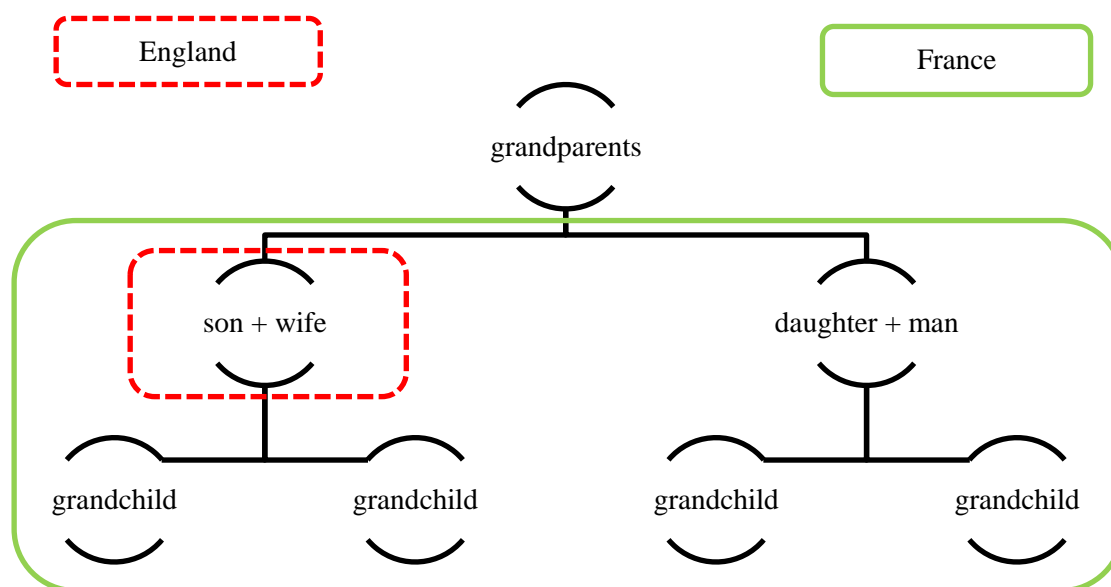
<sup>63</sup> Loménie de Brienne, ‘Mémoire’, p. 51; ‘Mémoire sur la mendicité’, p. 133.

<sup>64</sup> This was a common argument against indoor relief in large urban relief institutions. See Angot des Rotours, *Notice des principaux règlements*, pp. 50-51.

<sup>65</sup> Bloch and Tuetey, *Procès-verbaux*, p. 393, pp. 424-426. See also Lynch, *Individuals*, p. 187.

of married daughters, in-laws and grandchildren in English law resulted in a ‘welfare family’ that was more nuclear in size than in France.

Figure 1: Size and composition of the ‘welfare family’ in eighteenth-century France and England.



The legal context of family assistance in France was probably more conducive to higher levels of family assistance in France compared to England.<sup>66</sup> Also, as a result of these differences, we should expect higher frequencies of co-residence between elderly parents and children. In England, family resources were more rapidly exhausted than in France as a result of this different configuration of the ‘welfare family’. The family welfare barrier erected by English law between the needy individual and support from the ‘collectivity’ was not as strong as it was in France. In comparison to England, French law attributed a more important role to the family in the welfare process. The differences in legal norms about family assistance are an indication that the responsibility for the maintenance of the elderly poor in France was probably located closer to the family pole of the welfare continuum. In other words, French society tried to keep public poor relief expenditure low by shifting more responsibilities to the kin group. France does not seem exceptional in this respect. In other European regions the circle of family members with maintenance duties was also much wider than in England.<sup>67</sup> The legal context suggests that the family in France and England had a different relative weight in the welfare process. This image is enforced when the actual maintenance contracts and agreements for the elderly are analysed.

<sup>66</sup> To my knowledge, no historical research has been undertaken into the enforcement of filial assistance in early modern French courts. Pothier stated that he witnessed an increase in the number of cases concerning family assistance in the courts. See Pothier, *Traité*, p. 10.

<sup>67</sup> Groppi, ‘Old people’, p. 98.

#### IV

The level of family care in pre-industrial society was not simply a function of the legal prescriptions concerning the role of kin in the welfare process. Although it is likely that the family was more important as a source of assistance in France compared to England as a result from the different legal context, family care cannot simply be reduced to a response to legal kin obligations.<sup>68</sup> Historians have uncovered much evidence for family assistance outside the legal ambit of maintenance laws. In this section particular attention is devoted to England and the patterns of family assistance that have emerged in the rich and unique historiography on the Old Poor Law. As in the previous section, my analysis will predominantly focus on children and elderly parents.

From the late seventeenth century, an increasing number of authors identified the structural lack of family assistance as one of the causes of rising poor relief expenditure. Roger and Dudley North, writing in the 1680's, suggested that parish pensions for the elderly had not only crowded out charitable donations, but also intra-family assistance. The security offered by the Old Poor Law in old age caused children to default on their 'natural' duties towards their parents. Roger North claimed that as long as the parish offered its settled inhabitants a secure prospect of relief in old age, family members would not be inclined to assist the elderly from their earnings.<sup>69</sup> Roger North even suggested that there was a link between the security of a parish pension and investments throughout the life cycle. Labourers, he argued, did not invest in the ownership of a house and land as they could rely on the community for assistance in old age or during hardship. Dudley North saw the withdrawal of the family as a source of assistance also as one of the reasons for the high levels of welfare spending in the second half of the seventeenth century. Abandonment of relatives and leaving them to the care of the community was the logical result of a welfare system offering secure support: '*[Who] is such a fool to work hard to maintaine an old father when if he takes to his heels, he knows the parish is bound to maintaine them*'.<sup>70</sup> This analysis of the limited care provided by the family is a Leitmotiv in eighteenth-century writings on the Old Poor Law.<sup>71</sup> Some authors juxtaposed the English experience with filial relations in other regions. Arthur Young, for example, argued that while family assistance was '*so strikingly manifest in Ireland*', English labouring households did not display this filial assistance.<sup>72</sup> It should be stressed that most authors stressed the *unwillingness* of the young to contribute to the welfare of the elderly rather than their *inability*. Although some authors drew attention to the difficulties involved in organizing family assistance in an economy characterized by

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<sup>68</sup> Lis and Soly, 'Care partnership', p. 73.

<sup>69</sup> North, *A discourse*, p. 37-38, 44. His text was written c. 1684, but remained unpublished until 1753.

<sup>70</sup> North, 'Concerning the values of land', p. 313; North, 'Some notes', p. 319.

<sup>71</sup> See Lambrecht, 'English individualism', pp. 11-12.

<sup>72</sup> Young, *Political*, p. 21.



high rates of mobility, unwillingness from the part of the younger generation constitutes the dominating theme in this literature.<sup>73</sup>

The relationship between the absence of kin assistance and higher levels of poor relief spending identified by contemporary authors, has been confirmed by historical research. Mary Fissel found that those without kin were more likely to depend on support and care offered by the community. Her analysis of patients at the Bristol Infirmary during the last quarter of the eighteenth century shows that kin-poor made more use of the services offered by the hospital and also tended to stay there for longer periods.<sup>74</sup> The in-depth studies of Steven King and Sam Barrett have also exposed the availability of kin as a determining factor in the demand for community relief resources. Kinship density influenced poor relief spending in rural parishes in a number of ways. In the West Riding of Yorkshire, Sam Barrett found an inverse relationship between kinship density within communities and poor relief expenditure between 1750 and 1820. In communities characterized with extensive kinship links, fewer people were on relief and those who did obtain relief received lower payments. The size of kinship networks also influenced the duration of community assistance. The kin-poor tended to appear on relief lists earlier than the kin-rich and also received relief for longer periods.<sup>75</sup> The availability of kin thus influenced the level of poor relief spending in a community. The results of these authors indicate that family assistance was not entirely absent among the poor. On the other hand, kinship availability did not always result in family assistance. Research for the last quarter of the sixteenth century indicates that parishes were assisting people regardless of the availability of kin.<sup>76</sup> A number of studies have established that old people were receiving parish pensions in spite of the geographical proximity of children. Samantha Williams' research on Bedfordshire illustrates that long-term assistance from the parish and high levels of kin availability were not mutually exclusive.<sup>77</sup> This suggest that the physical presence of children was not the only factor explaining intergenerational assistance.

The work of Michael Anderson remains an inspiring and in many ways indispensable starting point for anyone interested in the historical determinants of intergenerational solidarity. Although his analysis was concerned with explaining household structures and patterns of co-residence in the nineteenth century, his analytical framework can also be used to examine patterns of family solidarity beyond the study of household structures. Anderson showed that 'calculative reciprocity' governed decisions about family care. For example, children would take parents into their homes when this would result in a mutually advantageous situation. Parents could act as substitutes to perform unpaid housework and enabled married women to increase their labour participation. Anderson emphasized the lifetime economic advantages for both parties in particular. It was only when co-residence was beneficial to

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<sup>73</sup> Jeremy Bentham and Thomas Haweis drew attention to the complexities involved in organizing intra-family solidarity in a context of high mobility. Their proposals are discussed in Lambrecht, 'English individualism'.

<sup>74</sup> Fissell, 'The sick', pp. 49-52.

<sup>75</sup> Barrett, 'Kinship', pp. 210-214; King, *Poverty*, pp. 169-170; 214-215.

<sup>76</sup> McIntosh, *Poor relief*, p. 264.

<sup>77</sup> Williams, *Poverty*, pp. 121-122.

both parties in the present that such intergenerational sharing of resources occurred.<sup>78</sup> After all, assisting parents in old age was not that simple for young labouring households. As Richard Smith has shown, the material interests of generations were incompatible in that respect. The elderly tended to rely on their children at a time when the latter were burdened with young unproductive children.<sup>79</sup> In such a demographic context, some children would indeed have perceived their old parents as a *'burthen to their issue and a rent charge upon those who came from their loins'*.<sup>80</sup> An early seventeenth-century publication on the ten commandments sets out the calculative attitude of English children towards their elderly parents: *'so long as the parents have anie thing to give, and something may be gotten by them, all that while they will be so kinde, and so loving, and there is such striving and catching, that well is he that can get the old one; but when their parents are drawne drie and they have sucked all from him, and left noting once, then he is neglected of all, then everie day is an yeare till he be deade, then he is a burden and a clogge, and he must be eating and drinking, then he doth nothing but spende, he gets nothing'*.<sup>81</sup> Such characterizations of child-parents relations as calculative, rational and driven by economic rather than emotional considerations, should not be solely regarded as part of the religious rhetoric on family relations. The care of a parent did expose young households to higher levels of household expenditure as they required food, clothing and shelter. Parents took up space in the house and sickness could increase the medical bill of the household. In other words, household resources had to be divided over a larger number of individuals when children assumed the care of their elderly parents. From that perspective, it was logical that children would expect some compensation for the services they rendered their parents. The agreement had to be mutually beneficial to result in structural support.<sup>82</sup> The elderly could compensate structural assistance from their children in two important ways. First, by ensuring that those children who cared for them received some form of compensation through inheritance. Ownership of land for example, and the future prospect of an inheritance, could persuade children to contribute to the care of their elderly parents. Second, parents could also contribute to the household economy of their children through their labour. In such circumstances, parents could offer their labour and time free of charge to their children. By working free of charge they could compensate the costs incurred by their children for their maintenance. Thus, logically, we should find high levels of intergenerational care in regions where the elderly owned property and/or where the elderly could assume a productive role in the household of their children. In the absence of these conditions, children would be less inclined to offer help and care to the elderly. In England, long-term developments in both patterns of landownership and labour organization and demand strongly militated against such a mutually beneficial intergenerational care contract. The

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<sup>78</sup> Anderson, *Family structure*, pp. 136-144 and 162-166. See also Humphries, 'Household economy', pp. 246-250.

<sup>79</sup> Smith, 'Charity', pp. 29-30.

<sup>80</sup> Defoe, *The Protestant monastery*, p. 4.

<sup>81</sup> *A treatise or exposition*, pp. 6r-v.

<sup>82</sup> Lis and Soly, 'Care partnership', pp. 72-76.

gradual erosion of land ownership among labourers and the changing economic position of women resulting from agrarian change and enclosure obstructed intergenerational care relationships. Both these factors have been extensively discussed in research on the economic origins of poverty and poor relief in early modern England. The combined effects of expropriation, farm engrossment, agrarian specialization and enclosure are frequently invoked to explain the high levels of poor relief spending. It is assumed that as a result of these developments households were more exposed to risk and enjoyed lower household incomes.<sup>83</sup> However, at the same time the English proletarianised labourer enjoyed a high living standard in a wider European perspective. To this date the effects of the changing economic structure and organization in rural England have not been analysed in terms of their effects on intra-family relations in general and the bargaining position of the elderly in particular.

As is well known, landownership in late medieval and early modern England has been the subject to many debates. Robert Brenner claimed that property rights and legal claims to land were weak in pre-industrial England compared to France. In recent years, Brenner's view on the evolution of property rights has been refuted and abandoned. Specialists in the history of tenurial relations in England do not dispute the fact that peasants lost their property rights in the course of the early modern period, but have opposed the view that this was the result of the legal actions of landlords.<sup>84</sup> Although some examples can be found of landlords aggressively engrossing their land through court intervention, a new consensus about the origins of this development has been growing. Richard Hoyle, most notably, has argued that the shift in property relations after 1650 was not the result of legal coercion, but the outcome of a process of market competition. Peasants in England lost their small properties as a result of competition for land with landlords.<sup>85</sup> This led to a profound restructuring of social structure and the distribution of property. For example, on the Ockendon Fee manor in Terling, the gentry increased their copyhold and freehold land from 14 per cent in 1601 to an impressive 94 per cent in 1670.<sup>86</sup> This change in the distribution of land has been documented for a large number of manors throughout early modern England.<sup>87</sup> Importantly, the changes in farm size also led to an erosion of small owner-occupiers. Between 1650 and 1750 the numbers of small owner-occupiers declined.<sup>88</sup> The available evidence indicates that by the early eighteenth century few small farmers owned their land.<sup>89</sup> This was also the case for labourers. In south-east England the vast majority of labourers were not taxed as owners of their cottage in the eighteenth century.<sup>90</sup> Low numbers of owner-occupied cottages have also been recorded for northern England.<sup>91</sup> The various short and medium term leasehold contracts did

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<sup>83</sup> See Patriquin, *Agrarian capitalism*, pp. 112-116.

<sup>84</sup> Whittle, *The development*, pp. 305-310. However, compared to other European regions property rights of peasants seem to have been less solid.

<sup>85</sup> Hoyle, 'Tenure and the land market', pp. 17-18. See also Habakkuk, 'La disparition', pp. 649-663.

<sup>86</sup> Wrightson and Levine, *Poverty and piety*, p. 29.

<sup>87</sup> See for example, French and Hoyle, 'The land market', pp. 360-363.

<sup>88</sup> See for example Edwards, 'The decline', pp. 82-83. See also Broad, *Transforming*, pp. 104-111.

<sup>89</sup> Allen, *Enclosure*, pp. 95-101.

<sup>90</sup> Shaw-Taylor, 'Access to land', pp. 267-270.

<sup>91</sup> Hudson, 'Landholding', pp. 279-280.

not offer the security and compensation children wanted in exchange for assistance. In the absence of inheritance of economic capital, intergenerational care was much more difficult to organize. There is a marked contrast with European regions where peasant ownership was high. In these regions even tiny plots of land could be used to negotiate care from children and relatives.

A second element that possibly undermined the bargaining position of the elderly was the changing position and role of women in the rural economy. The elderly could increase the labour participation of their married children if they assisted in the work and duties associated with young households. The elderly could for example look after infant children, clean, wash, cook, mend clothes, tend to gardens, collect firewood, etc.. Especially in the first ten to fifteen years after marriage such assistance could be valuable when resources were scarce and child maintenance costs were high. David Davies reported married women paying nurses to look after the children so they could work during the harvest season.<sup>92</sup> In the budgets collected by Eden it was reported that the weekly output of spinning by married women did not reach half of that of unmarried women due to family duties.<sup>93</sup> In the absence of relatives who could take over some of the functions of young mothers, marriage and childbearing inevitably resulted in reduced female labour participation. Thus, when the opportunity cost of paid labour was high, children will be more inclined to rely on their family to assist them with domestic work. In such a context, the elderly can use this situation of high opportunity costs of female wage labour to their own advantage. Conditions of high female wages and employment opportunities outside the household thus created a situation that could be mutually beneficial to children and elderly parents. As wages and employment opportunities of women decline, elderly parents will not be viewed household members that can contribute something to the household and there will be fewer economic incentives to care and house parents.

Numerous historians have documented that the position of women in the labour market changed in the course of the early modern period. Historiography on female labour has focused in particular on eighteenth- and nineteenth-century developments. The decline of the demand for female labour in the eighteenth century had multiple origins. Farm engrossment and agricultural specialization are frequently cited as the main causes for the decline in female employment in agriculture.<sup>94</sup> The results of these shifts in the organization of agricultural production reduced demand for female labour and resulted in lower relative wages.<sup>95</sup> Recent research on female/male wage ratios indicates that this relative decline of female wages was not exclusively an eighteenth-century phenomenon. Van Zanden has argued that relative female wages declined throughout the early modern period. In the second half of the sixteenth century women earned c. 80 per cent of the wage of a man; by the middle of the

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<sup>92</sup> Davies, *The case of labourers*, p. 14. He also reports that women encumbered with small children were 'incapable of doing much other work besides the necessary business of their families, such as baking, washing, and the like'.

<sup>93</sup> Eden, *The state of the poor*, vol. 3, p. 796.

<sup>94</sup> Allen, *Enclosure*, p. 217; Snell, 'Agricultural seasonal employment'.

<sup>95</sup> Burnette, 'The wages and employment', pp. 670-672; Snell, *Annals*, ch. 1.

eighteenth century this had dropped to c. 50-55 per cent.<sup>96</sup> Throughout the early modern period, demand for female labour in agriculture apparently declined. Also, employment and earning opportunities for women dwindled outside waged agricultural work. The loss of common rights and access to waste land resulted in women having more time to tend to other activities.<sup>97</sup> Women were available for other forms of employment, but these work opportunities had a distinct domestic character (straw plaiting, spinning etc.). In any case, it seems that the decline of agricultural female labour and the forced retreat from common land resulted in women having more opportunities to work in and around their house. As a result of agricultural capitalism and enclosure, women were increasingly found in and around their homes. Besides, at the end of the eighteenth century, Eden observed a shift in the bargaining power of women as a result from their retreat from the labour market.<sup>98</sup> The effects of the decline of female employment, however, probably stretched beyond the economic position of the woman within the household. Declining wages and rising levels of unemployment also indirectly affected the position of the elderly. In eighteenth-century England their net potential economic value did not outweigh their maintenance cost. In this configuration of female wages and employment, reluctance from the part of the children to invest in the wellbeing of their parents was to be expected. When demand for female wage labour rose again in the nineteenth century as a result of industrialization and outdoor factory work, economic attitudes towards relatives changed again. In the course of the seventeenth and eighteenth centuries the decline of female waged labour probably resulted in a changing reality of the economic utility of elderly relatives. The position of women in the labour market could thus affect the willingness of children to assist their parents.

Interestingly, there seems to be an overlap between the regions where women enjoyed high relative wages and regions where poor relief expenditure and individual pensions were lower. In the more industrial northwest of England female labour did not experience such a contraction compared to the southeast.<sup>99</sup> The northeast of England has been identified by Steven King as a region with relatively low levels of poor relief spending. Also, the assistance offered to the poor was less generous than in the more agricultural English regions.<sup>100</sup> Perhaps these differences can be partly explained by the utility of relatives resulting from the specific patterns of female employment.<sup>101</sup>

When the security of a substantial inheritance was lacking and the utility of elderly relatives was low, we would expect low levels of family solidarity. In the absence of such a mutually rewarding project, it would be difficult to move children towards assisting their parents. Research on Kent indicates that co-residence of the elderly with children was indeed the exception to the rule. Only 69 out of 1053

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<sup>96</sup> Van Zanden, 'The Mathusian intermezzo', pp. 333-336.

<sup>97</sup> Humphries, 'Enclosures', p. 41.

<sup>98</sup> Eden, *The state of the poor*, vol. 1, p. 625-627.

<sup>99</sup> Burnette, 'The wages and employment', p. 670.

<sup>100</sup> King, *Poverty and welfare*; Ottaway, *The decline*, pp. 186-188.

<sup>101</sup> In the nineteenth century, this argument was raised to explain the low poor rates in Lancashire. See Anderson, *Family structure*, p. 143. Households also tended to favour elderly women over men as co-residents, possibly as a result of their specific skills. See Goose, 'Poverty', p. 37; Ottaway, *The decline*, p. 175.

pensioners, or c. 7 per cent, resided with family between 1662 and 1797.<sup>102</sup> Importantly, when elderly parents resided with their children, there seems to have been some financial stimulus from the parish. This was a strategy frequently deployed by parish overseers.<sup>103</sup> Family care, as a number of historians have argued, was negotiated in close consultation with the parish. Parishes tried to stimulate and prolong co-residence and care through payments.<sup>104</sup> The parish, it could be argued, compensated the caring households in this way for the costs they incurred in maintaining relatives. In the words of Steven King, the parish subsidized the full cost of maintenance.<sup>105</sup> Family care was thus highly dependent on third-party financial stimuli. Financial inducements were not limited to aid in kind or cash, but could also be granted through the exemption of the parish rates.<sup>106</sup> It seems that parish overseers resorted to different measures to stimulate family care in rural societies. In all cases however, family care was negotiated in a community context and effectively transformed into a commodity.

In the absence of voluntary assistance from children in old age and a mutually beneficial care project, individuals would be inclined to strengthen their claims to community assistance to ensure their survival after retirement. The parochially organized English welfare system offered this possibility to individuals. To what extent the population in England enjoyed a right to relief has been debated. Steven King and Steve Hindle have argued that legal entitlements to relief were not as strong as some authors have supposed.<sup>107</sup> The Old Poor Law offered assistance when all other sources of assistance were exhausted. Others have adopted a different interpretation of the poor law statutes and have stressed the strong legal claims of the English settled population to relief.<sup>108</sup> If individuals did not have an absolute right to relief, eligibility for relief and claims to assistance could be strengthened through other means. Recent in-depth research by Samantha Williams suggests that rates were raised down the social scale. In Shefford (Bedfordshire), some 34,7 per cent of the ratepayers were labourers and servants at the onset of the nineteenth century. During the first two decades of the nineteenth century one fifth of the ratepayers in Shefford received relief. Also, 29 per cent of ratepayers received relief shortly after they had stopped paying the parish rate.<sup>109</sup> Similar instances of individuals and households as both contributors to and recipients of parish welfare resources are also found in earlier periods. In mid seventeenth-century Hertfordshire households appear on both tax assessment rolls and relief lists.<sup>110</sup> In eighteenth-century Terling (Essex) even small farmers ended up receiving relief after

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<sup>102</sup> Barker-read, *The treatment*, p. 283.

<sup>103</sup> Nasmith, *The duties*, p. 31: 'many of them [elderly, TL] may have children settled in the same parish, who, with a little assistance, will be glad to make the last days of their parents easy and comfortable'.

<sup>104</sup> Sokoll, 'Old age', pp. 135-138; Williams, *Poverty*, p. 122; Ottaway, *The decline*, pp. 152-154; Kent and King, 'Changing patterns', p. 148; King, 'Forme et fonction', pp. 1171-1173.

<sup>105</sup> King, *Poverty*, p. 60.

<sup>106</sup> Barker-Read, *The treatment*, p. 277.

<sup>107</sup> Hindle, *On the parish*, pp. 398 ff.; King, 'Negotiating the law'; King, 'Forme et fonction', p. 1154.

<sup>108</sup> Charlesworth, *Welfare's forgotten past*.

<sup>109</sup> Williams, *Poverty*, pp. 78-79 and 126-128.

<sup>110</sup> Newman Brown, 'The receipt of poor relief', p. 415.

they had contributed to the rates.<sup>111</sup> Some labourers and artisans paid rates and handed over their moveables before entering the relief lists.<sup>112</sup> Individuals certainly referred to their past payments to the parish when they were applying for relief.<sup>113</sup> Thus, the Old Poor Law not only organized the redistribution of wealth within society, it also acted as a store of wealth throughout the life-cycle of lower class households. Although more research is needed to establish how much overlap there was between ratepayers and pensioners and how this varied through time and space, this nevertheless suggests that in some regions and periods the Old Poor Law smoothed consumption during the life-cycle of individuals and thus acted as an institution organizing life-cycle saving. The Old Poor Law therefore, cannot be reduced to a welfare system that was based uniquely on the redistribution of wealth between the rich and poor. Importantly, the settlement laws seem to have stimulated households to contribute to the rates when they could afford to do so. Contributing to the rates effectively created a legal settlement. Households would thus have a strong incentive to pay the rates during periods of their life-cycle when surpluses could be set aside. In some households, the parish collected these surpluses and redistributed them at a later stage in their life. This is certainly not to claim that all those found on relief lists would have contributed to the rates during their life. In Ardleigh (Essex) parish rates were largely raised on the back of farmers, tradesmen and artisans during the late eighteenth century.<sup>114</sup> In other regions and periods too, the burden of rates was shouldered by a small wealthy group.<sup>115</sup>

Next to paying rates, individuals could also increase their eligibility through the individual wealth they had collected during their lifetime. It was not uncommon for elderly residents to hand over their goods and chattels to the parish when they first appeared on the pension lists. The moveable goods accumulated in the course of the life cycle were used to obtain maintenance from the community. These goods were distributed or sold after the death of the pensioner and enabled parishes to recoup some of the relief costs.<sup>116</sup> These households and individuals thus did not exchange their property for maintenance from their children or family, but for structural support from the parish. In some cases paupers could negotiate life-long assistance from the parish based on their possessions.<sup>117</sup> To what extent the value of the material possessions of a household influenced the pension, has not been researched to this date. If households could collect a higher pension in old age when they surrendered more valuable moveable goods, they would have a strong incentive to accumulate material wealth during their life course. In any case, parish overseers would be probably more inclined to assist those households who contributed to their own costs through their movables than those who had nothing to

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<sup>111</sup> Ottaway, *The decline*, p. 180.

<sup>112</sup> King, 'Pauper inventories', p. 182; Cornford, 'Inventories', pp. 123-124.

<sup>113</sup> Sokoll, 'Negotiating a living', p. 40; Hindle, *On the parish*, p. 410.

<sup>114</sup> Sokoll, *Household*, pp. 126-128.

<sup>115</sup> Botelho, *Old age*, p. 51-53.

<sup>116</sup> Hindle, *On the parish*, pp. 281-282; Green, 'Heartless and unhomey?', pp. 81-82; King, 'Pauper inventories', pp. 157-161; Cornford, 'Inventories', pp. 118-125; Kent, 'The rural middling sort', p. 35.

<sup>117</sup> Kent and King, 'Changing patterns', p. 138.

offer. Payment of the parish rates and a decent stock of household goods undoubtedly increased their eligibility for relief. In such a context, it was probably much more rewarding to invest in the eligibility for community assistance than to rely on children for care in old age. English labouring poor displayed a remarkable knowledge of the statutes and their interpretation by local overseers.<sup>118</sup> If support had to be negotiated in a community context, such knowledge was simply indispensable.

Family care in England was, as this section has illustrated, a *ménage-à-trois*. The role of the parish was not restricted to monitoring the negotiations between generations. On the contrary, the parish was an active partner in these negotiations. In many cases it was only through the intervention and subsidies of the parish that family care emerged. These community interventions are clear indications of the weak bargaining position of the elderly and the reluctance of their children to share resources with them. As was the case with the filial maintenance law, family care had a distinctly public character. This stands in stark contrast to the family care negotiated in other European regions.

## V

In 1700, the priest of the village of Sennely, observed two different attitudes of his parishioners towards the poor. On the one hand, the villagers frequently gave alms to the itinerant poor and would also offer them short-term shelter and food. These acts of charity contrasted starkly with the treatment of elderly parents. The parish priests accused his flock of an ‘insensitive’ and ‘unnatural’ attitude towards the elderly poor. Parents who relied on their children for their maintenance were exploited and mistreated. Children scolded their parents when they requested aid in the form of food. One parishioner even refused to pay the burial costs of his father because, as he argued, the father ‘*had already consumed the cost of his funeral service when he was ill*’. The underlying causes of this apparent indifference from the part of the children were of a material nature. As the priest noted, children lacked affection for their parents because they could not rely on any substantial inheritance.<sup>119</sup> In light of the period in which this text was written, it comes as no surprise that maintenance relationships were under pressure. The late seventeenth century was marked by high food prices and food shortages resulting from adverse climatic conditions. Offering passing poor and beggars food and shelter for the night was less costly than maintaining an elderly parent for a number of consecutive years when food costs were high. In the absence of any substantial compensation through inheritance, children were reluctant to offer their parents a comfortable old age. In this description, two things in particular are noteworthy. First, children realized that there was no mutual advantage if there was no substantial inheritance to cover the costs of maintenance in old age. Offspring tried to recover some of these maintenance costs through the work of the parents or by limiting expenditure. Economic calculation, much more than the Fourth Commandment, governed

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<sup>118</sup> See King, ‘Negotiating the law’.

<sup>119</sup> Huet, ‘Le manuscrit’, pp. XIV-XV.



their decisions on family care. Second, despite the absence of any mutual advantage children *did* apparently assist their parents. Although the level of care and the harsh treatment probably fell short of what parents hoped for, their children nevertheless allocated some of their resources to them. Although children realized that there were no short or long term gains in assisting the elderly, they did conform to the legal prescriptions of family maintenance. French family maintenance laws combined with the absence of alternative welfare resources, probably pressured households into intergenerational solidarity.

A distinction needs to be drawn between peasant and labourer households with and without immovable property. Those with land could use these assets estate to obtain care from their children. They did so in different forms and at different stages in their life cycle. In regions with extended families, parents secured maintenance for themselves when the heir married. In southern France close to half of the marriage contracts contain the clause that the parents will co-reside with the principal heir.<sup>120</sup> They would live, as the contracts stipulated, ‘à *meme pot et feu*’. The parents retained their control over the household, but as they grew older they sometimes surrendered the headship of the household to the younger generation. In exchange for the future headship of the household and land, household goods and implements attached to a holding, children agreed to care for their parents. Most contracts contained a so-called rupture clause that enabled parents and children to end this communal living arrangement. In practice this implied that the married couple had to pay a pension to the elderly, either in money or in kind, that would allow them to live separately.<sup>121</sup> Many of these marriage contracts, including those of rural labourers, enumerated in great detail the quantities of food that parents were entitled to when the communal living arrangement was breached.<sup>122</sup> Such arrangements about family maintenance were highly conducive to co-residence of children and their aged parents. A census for the village of Eguilles in the Provence from 1810 indicates that no less than 70 out of the 88 widowed elderly lived with their children.<sup>123</sup>

Maintenance agreements were sometimes also included as part of inter-vivos land transactions that did not necessarily coincide with the marriage of children. In Burgundy and the countryside around Paris, the elderly exchanged their property for maintenance from children and relatives using a legal technique called ‘*démission de biens*’. Maintenance could take different forms. Some elderly secured a lifelong cash pension while others only requested food and shelter. In some cases, the children agreed to support their parents collectively. The ‘*démission de biens*’ was a flexible instrument to reward and also punish children and heirs for the assistance they offered to their parents. The size of the properties

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<sup>120</sup> Contis, ‘La famille’, p. 127.

<sup>121</sup> Castan, *Honnêteté*, pp. 229-230; Pélaquier, ‘Les chemins’, pp. 33-34; Pélaquier, *De la maison*, pp. 200-207; Desplat, *Pau et le Béarn*, pp. 423-426; Boehler, *Une société rurale*, pp. 1244-1250.

<sup>122</sup> French historians have studied these maintenance contracts mainly for reconstructing diets in the eighteenth century and much less to study patterns of intergenerational solidarity and family welfare. See Poitrineau, ‘Minimum vital’; Bernard, ‘L’alimentation paysanne’; Gutton, ‘Sur la ration alimentaire’; Desplat, *Pau et le Béarn*, pp. 722-728; Boehler, *La terre*, pp. 329-332.

<sup>123</sup> Calculations from Troyansky, ‘Old age’, p. 218.

involved in these contracts were not very substantial. A cottage with a garden sufficed to secure lifelong support from children.<sup>124</sup> Similar arrangements can be found in other regions. In Lorraine parents exchanged land for a multitude of goods and services such as housing, food, payment of outstanding debts, clothing etc.<sup>125</sup> Finally, maintenance or services rendered by one or more children could also be compensated by testamentary gifts. In many cases, French testaments of elderly males contain a detailed list of material provisions for the surviving widow.<sup>126</sup> Although there are regional differences in the timing of the intergenerational exchange of land for care, there is no great variation in the strategies used by the elderly to secure support from their children. In all regions, rights to land, were used to bribe children into structural assistance in old age. With property deeds in hand, the elderly held an extremely strong bargaining position vis-à-vis their children or heirs. It was land that guaranteed a comfortable old age in a family environment. Land was, as many French historians have argued, the best insurance for care in old age. Logically, research on the land market in eighteenth-century France revealed a relationship between age and property transactions. Most of the French peasants bought or acquired land between their marriage and the age of 50. After the age of 60, peasants massively sold their land to finance their retirement.<sup>127</sup>

Households with property could negotiate care reflecting the size and value of their estate. Elderly peasants and labourers without land, on the other hand, held a much weaker bargaining position. Middle-class writers advised these elderly poor in particular, who could not offer substantial compensation in exchange for their life-long maintenance, to be cautious in their relations with those who assisted them. They should reduce the inconveniences resulting from their maintenance by work and offer their services to their keepers.<sup>128</sup> Maintenance contracts between the elderly poor and their children have survived that indicate that some parents could offer almost nothing in return. Some elderly assured lifelong maintenance from their children in exchange for very scant resources. In Normandy children agreed to assist their parents lifelong in exchange for household goods only worth 12 to 15 *livres* in the second half of the eighteenth century. In these contracts children or other relatives had explicitly recorded that the value of the goods the elderly exchanged for structural assistance in old age fell short of their maintenance cost. Thus, children realized that insufficient resources were handed over by their parents to cover expenses, but still assumed these economic charges.<sup>129</sup> In some cases, the burden of the care for the elderly who had nothing to offer in return was shared between the children. Evidence has been found that clearly indicates that the elderly circulated between the households of their children. Such agreements, where children agreed to maintain their

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<sup>124</sup> Viret, 'Survivre la dissolution', pp. 192-197; Desai, 'Etre vieux' ; Jacquot, *La crise rurale*, p. 533

<sup>125</sup> Cabourdin, *Terre et hommes*, pp. 203-207.

<sup>126</sup> Bonnin, 'Quelques aspects', pp. 91-92.

<sup>127</sup> Boudjaaba, 'La fieffe normande', pp. 766-770 ; Béaur, 'Land accumulation'.

<sup>128</sup> Villers de Billy, *Instructions historiques*, p. 260.

<sup>129</sup> Bruneau, 'Assurer ses vieux jours', pp. 229-230. For other examples of assistance in old age exchanged for consumer goods with a small value see Bossis, 'Le milieu paysan', p. 141.

parents, for equal parts of the year are by no means exceptional.<sup>130</sup> Contracts between children for the maintenance of a parent sometimes stipulated the share each child had to contribute. These shares could be unequal, reflecting the differences in age and wealth of the children.<sup>131</sup> Maintenance contracts between poor and non-propertied parents and their children contain elements that can be encountered in the family assistance laws (handing over all assets to children/heirs, shared responsibility of the children/heirs, rotation of the elderly between children/heirs etc.). It is clear from these contracts that they were shaped by the family maintenance laws. Elements in these contracts clearly refer to stipulations in family assistance laws. In fact, there was not much difference between the legal prescriptions on filial assistance and the actual contracts ratified before notaries. As in England - but with a different outcome - family maintenance laws shaped actual patterns of kin support.

Supporting the elderly in a family rather than a community context had important effects. In the late eighteenth century, there was a growing awareness that the financial pressure on young households were mounting as a result of deteriorating economic conditions. French day labourers had no opportunity to save much, and if they could, there were no financial instruments and institutions suited to their needs. Several projects to establish proto-forms of social security institutions appeared in print, but were never realised.<sup>132</sup> Lavoisier suggested a state-organised annuity scheme to collect these small savings and redistribute them to the subscribers in old age in the form of a pension. Importantly, this initiative was also intended to relieve young families from the burden of assisting their parents in old age. He stated that most poor families assisted their elderly relatives as much as they could, but that this was particularly difficult for young families. In a dramatic way, Lavoisier sketched the moral issues encountered by married sons who had to cut back on food for their wives and children to ensure enough was left to feed their old parents.<sup>133</sup> There is evidence that intergenerational care frequently resulted in intergenerational conflicts because of the high economic and financial pressures on young households. This not only led to arguments over authority and the allocation of food and other resources, but also to domestic violence and parricide.<sup>134</sup>

Peasant landownership and family maintenance laws are crucial to understand the specific pattern of family-based care that characterized rural France in the seventeenth and eighteenth centuries. Those individuals with land could compensate their children or heirs for their help and assistance in old age. Peasants and labourers without property equally relied on their close kin group to provide them with

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<sup>130</sup> Troyanski, 'Old age in the rural family', p. 223 ; Fauve-Chamoux, 'Widows and their living arrangements', pp. 111-112.

<sup>131</sup> Fillon, 'A la recherche des aïeuls', pp. 41-42.

<sup>132</sup> Hecht, 'Trois précurseurs'.

<sup>133</sup> Lavoisier, 'Sur le rachat des charges de finance', p. 242 and 245 : '*Eh ! De quel droit pourrait-on exiger qu'il préférât les auteurs de ses jours, tombés dans la caducité, à la compagnie qu'il s'est choisie, à la mère de ses enfants, à celle qui les allaite, à ces êtres eux-mêmes auxquels il a donné le jour ? Et qui osera le décider, dans l'alternative d'accorder ou de refuser à des têtes si chères un aliment nécessaire à tous, insuffisant pour soutenir l'existence de tous ?*'.

<sup>134</sup> Castan, *Honnêteté*, pp. 230-231. On conflicts over the payment of pensions to the elderly see also Hayhoe, *Enlightened feudalism*, pp. 166-167; Boehler, *Une société rurale*, p. 1250.

the necessary resources in old age. In these cases, there was hardly any compensation except free labour and some low value material possessions. By creating a legal context where children were expected to support ascendants, even without any significant financial or material compensation, the French state successfully kept the rural poor at arm's length.

## VI

In the previous sections of this paper I have argued that the role of the family in the welfare process was fundamentally different in England compared to France. The rise of poor relief expenditure in England probably owes more to the retreat of the family as a support agency than to a decline in the number charitable donations. Although a distinctive decline in some forms of charity can be observed, poor rates did not crowd out charity completely. However, a clear shift can be discerned in the balance between charity and poor rates. By the end of the eighteenth century, especially in rural areas, the balance between poor taxes and charitable income was heavily skewed towards the former.<sup>135</sup>

The survey of the legal obligations of families towards their poor members brings the peculiarities of the English welfare system more sharply into focus. Some important differences between England and France can be observed in both the composition and the size of the welfare family. The English welfare family was significantly more nuclear in both size and composition. In France support could not only be claimed from a larger number of family members, but the nature of the assistance that families were expected to offer also differed. The English welfare system subsidized the maintenance cost of the elderly, whereas in France children were expected to feed and possibly house their parents without any compensation. It is important to stress that the relatively limited role of the family in the welfare process is closely linked to other characteristic features of English society in the past. Farm servants for example did not remit their wages to their parents and family in the eighteenth century. In continental European regions on the other hand it was much more common for unmarried adolescents to assist their parents and family from the wages earned in service.<sup>136</sup> The absence of the family as a force shaping the decisions of its members is nowhere more evident than in the process of household formation. The real wage model of household formation that characterized pre-industrial England indicates that marriages took place independent from intergenerational transfers.<sup>137</sup> In many rural European regions, the marriage of the children was a time when parents exchanged economic capital (land) for future maintenance. In England on the other hand, adolescents married without much material assistance from their parents. Real wages and employment prospects - not intergenerational transfers - governed the process of household formation. In both marriage and retirement the family was largely absent. In France, and other European regions, individuals did not experience such a

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<sup>135</sup> Thompson and Kitson, 'Charity', p. 27.

<sup>136</sup> Lambrecht 'English individualism'.

<sup>137</sup> Wrigley and Shofield, *The population*.

separation from the family. Land and law guaranteed family cohesion. It could be argued that the emphasis on the family in the welfare process was a strategy to keep public poor relief expenditure low. French social policy was clearly aimed at strengthening the family pole of the welfare continuum. Through its maintenance laws and politics to protect the property rights of peasants, the French state could avoid establishing permanent and tax-funded relief structures in the countryside. When economic conditions deteriorated in the second half of the eighteenth century, this policy reached its limits as family resources were gradually exhausted.

What were the economic effects of these different configurations of family support ? For one, this implied that there were fewer so-called ‘Janus-generations’ in England. This term is used by sociologists to describe households that have a maintenance duty towards both their children and their parents. In these households, the ratio between the number of productive and non-productive members was highly unbalanced. In seventeenth- and eighteenth-century England fewer households passed through a ‘Janus-phase’ during which they had to tend to the material needs of both their offspring and their parents. English labouring households were either exempt from parental maintenance duties or compensated by the community if they did. In other words, the care of the elderly did not have any negative effect on household income. Viewed from this perspective, the decision of the English state to collectivize the care of the elderly influenced the household budgets of English labourers. The Old Poor Law, it would seem, not only increased consumption as it redistributed wealth from social groups with a large propensity to save to social groups with a large propensity to consume, but also increased household income because costs for poor relatives were externalized. The financial margins of English labouring households would be seriously eroded if parental care was shifted towards them. For example, the reconstruction of family earnings by Craig Muldrew shows that during the late seventeenth century the household of a labourer enjoyed a positive financial balance of £4 1s.<sup>138</sup> An annual pension in the south-east of England during this period was c. £2.<sup>139</sup> The care of only one elderly parent would thus have effectively halved the disposable income. Viewed from this perspective, the *relative* affluence of English labourers - expressed in their literacy, stature, caloric intake, material culture and life expectancy between 1650 and 1750 – could be partly the result the operation of the Old Poor Law. At the onset of the nineteenth century William Keir reported that children were reluctant to assist their parents because this could influence their consumer choices: ‘*What occasion have we to deprive ourselves of any indulgencies, for the purpose of supporting our aged parents? The parish is bound to provide for them*’.<sup>140</sup> Indirectly, the Old Poor Law financed these ‘indulgencies’ and effectively increased aggregate consumer demand from the labouring population. The fact that ‘*the day-labourers [...] enjoy better dwellings, diet and apparel in England, than the*

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<sup>138</sup> Muldrew, *Food*, p. 257.

<sup>139</sup> Smith, ‘Ageing’, pp. 76-77; Botelho, *Old age*, p. 138.

<sup>140</sup> Lambrecht, ‘English individualism’, p. 11.

*husbandmen do in many other countries*' owes perhaps more the Old Poor Law than has been assumed to this date.<sup>141</sup>

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<sup>141</sup> Chamberlayne, *Angliae notitia*, p. 445.

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