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## A historiography of the Elizabethan poor laws: late XIXth and XXth century historians

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AN ABSTRACT OF THE THESIS OF Susan C. McNaught for the Master of Arts  
in History presented July 26, 1974.

Title: A Historiography of the Elizabethan Poor Laws: Late XIXth  
and XXth Century Historians.

APPROVED BY MEMBERS OF THE THESIS COMMITTEE:

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Charles M. White, Chairman

Susan Karant-Nunn

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Michael F. Reardon

The Elizabethan poor laws stand as a great work from a dynamic period. How and why they were formulated have been questions which historians have asked for centuries. The discussions of these questions have varied, depending on the personal values and biases which each historian brought to his study. It is generally agreed that a very important function of the historian is interpretation. The study of history is not only a study of the events, but a study of the historians and their differing interpretations of those events.

In the past one hundred years, numerous historians have devoted themselves to studying the Elizabethan poor laws. Their interpretations

varied considerably in some areas and very little in others. This essay examines some of those interpretations and attempts to find methodological and/or ideological differences which may account for the differing opinions. The study focuses upon four broad schools of historical thought—Whigs, legal historians, economic historians, and social historians.

The historians selected represent a wide range of interpretations. James A. Froude, C. J. Ribton-Turner, and George Nicholls represent the Whig interpretation. William Holdsworth and G. R. Elton represent the legal interpretation. William J. Ashley, R. H. Tawney, and Peter Ramsey were selected as the economic historians. E. M. Leonard, B. Kirkman Gray, Sidney and Beatrice Webb, A. L. Rowse, and W. K. Jordan are the social historians.

Whig historians saw the poor laws as part of a continuing constitutional development. They interpreted them as representing the inevitable forward progress of the English system of government. Legal historians were concerned with the formulation of the law and with the machinery provided for its administration. Their interpretations focused on the law itself and its position in the legal system as a whole. Economic historians examined the factors behind the law, and the economic factors in particular which they believed led to its passage. Thus, their interpretations centered upon discussions of the significance of such topics as enclosure, inflation, urbanization, and vagrancy. Social historians offered interpretations of the Elizabethan poor laws designed to explore the structural relationship between social classes.

Interpretations of the Elizabethan poor laws have changed considerably over the last one hundred years. It has not been a matter of "better" interpretations replacing less adequate ones, but a matter of ideas differing. Whig historians provided an excellent view of the poor laws as they related to the continued constitutional development but those historians also oversimplified and often left out facts which did not fit in with their overall theory. Legal historians provided an in-depth explanation of the laws—how they worked and why. But those historians did not question or try to understand the conditions which called for the poor laws nor did they examine how effective the laws were. Economic historians tended to limit their interpretations of the formulation of the poor laws to a few well-defined areas. Their interpretations tended to emphasize causal relationships between economic and social crises. Social historians were sympathetic to the Elizabethan poor and were concerned with the poor as individuals.

The study of the Elizabethan poor laws is a study of the relationship between society, the state, and the individual. The historical interpretations provided have been an attempt to give insight into those relationships.

A HISTORIOGRAPHY OF THE ELIZABETHAN POOR LAWS  
LATE SIXTH AND SEVENTH CENTURY HISTORIANS

by

SUSAN C. McNAUGHT

A thesis submitted in partial fulfillment of the  
requirements for the degree of

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TO THE OFFICE OF GRADUATE STUDIES AND RESEARCH:

The members of the Committee approve the thesis of  
Susan C. McNaught presented July 26, 1974.

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July 26, 1974

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## CHAPTER I

### INTRODUCTION

The Elizabethan poor laws stand as a great work from a dynamic period. How and why they were formulated have been questions which historians have asked for centuries. Naturally, the discussions of these questions have varied, depending on the personal values and biases which each historian brought to his study. It is generally agreed that a very important function of the historian is interpretation. The study of history is not only a study of the events, but a study of the historians and their differing interpretations of those events.

In the past one hundred years, numerous historians have devoted themselves to studying the Elizabethan poor laws. Their interpretations varied considerably in some areas and very little in others. The purpose of this essay is to examine some of those interpretations and to attempt to find methodological and/or ideological differences which may account for the differing opinions. The study will focus upon four broad schools of historical thought—Whigs, legal historians, economic historians, and social historians.

The availability of good printed sources has been a powerful force in shaping historiography ever since the Renaissance. In the nineteenth century adequate resources became abundant. Classic collections of books and manuscripts, and of English historical



documents, had begun on an extensive scale in the seventeenth century. But it was not until the nineteenth century that they were catalogued and made readily accessible. Printed source materials freed historians to move into archives while the publication of edited calendars simplified and greatly expedited the task of original research.

Most of the great document-publishing societies founded during Queen Victoria's reign honored scholars and benefactors of the sixteenth and seventeenth centuries. The Parker Society devoted itself to the publication of religious documents, the Camden Society ranged broadly in historical sources of the Tudor period; the Selden Society specialized in legal literature; and the Chetham Society specialized in local history. Various national and local historical societies were founded as well as specialized reviews and journals.<sup>1</sup>

The great age of Tudor scholarship, which we are still in, began in the nineteenth century.<sup>2</sup> The Whig interpretation became classic in the Victorian era. Those historians read English history as the unfolding of certain liberal political ideas in a constantly progressive movement. Since modern history was more nearly analogous to present conditions and easier to study, it was regarded as more important than earlier periods. While Fussner labeled the Whig interpretation simply as bad history, Butterfield held that this interpretation began as a step in the direction of a deeper understanding

<sup>1</sup>The English Historical Review appeared in 1880, the American Historical Review in 1895.

<sup>2</sup>F. Smith Fussner, Tudor History and the Historians (New York: Basic Books, Inc., 1970), p. 22.

of English history and, in spite of some limitations, did add to the understanding of English history.<sup>3</sup>

Two movements began in the nineteenth century which are also significant—specialization and a growing concern with economic and social history. Not only were fields of study narrowed but specific techniques of analysis were also better defined. Economic history became a separate discipline and even in well established areas significant revisions were made. The growth of specialization followed the rising curve of university enrollments; and where a little social or economic theory had sufficed for most historians early in the nineteenth century, a working knowledge of Marx, Weber, and other less famous theorists began to be considered important for well-educated historians in the twentieth century.<sup>4</sup>

Twentieth century historians used these developments to move from general to more specific studies, from implicit theory to explicit theory and, in general, to a professional approach. In this century historians who study the Tudor period have had to try to integrate newly specialized histories and monographs into some kind of meaningful account. They could no longer feel certain that the old Whig concept of historical order was adequate. The appeal of Marxism to historians during the thirties was, in part, that it

<sup>3</sup>Herbert Butterfield, The Englishman and His History (Cambridge: Cambridge University Press, 1944), p. 71.

<sup>4</sup>Fussner, Tudor History, p. 66.

seemed to provide an overall integrating theory that was at least adaptable to the new needs of historical explanation.

Max Weber put forward a thesis in 1905 that was to have a strong impact on Tudor historiography. In The Protestant Ethic and the Spirit of Capitalism (London, 1930) he stressed the idea that Protestantism, especially in its Calvinistic form, contributed to the emergence of worldly asceticism which promoted industry, thrift, and labor. He asserted that there was a correlation between religion and economics which could be verified through intensive research in special fields.

In the 1930's historians tended to view economic history in terms of crises and commercial fluctuations. The economic history of Tudor England was written almost exclusively by historians with some knowledge in economics rather than by theoretical economists with an interest in history. Since the late 1950's the use of economic history in historical writing has increased.

The general chronology of Elizabethan history was well established by about 1920. Minor changes between World War I and World War II came about largely from the continuation of special studies, from the re-examination of already available evidence with social science techniques, and from the steady increase in the number of professional historians. Since 1945 the main emphases has been in the direction of local and comparative studies and in more social history. Social history in the last twenty or thirty years has been powerfully shaped and stimulated by the professional structure of other social sciences, by their methods and techniques, and especially

by their questions.

The historians in this study have been selected to represent the widest range of interpretation of the Elizabethan poor law. James A. Froude, C. J. Ribton-Turner, and George Nicholls represent the Whig interpretation. While other Whigs are perhaps better known, they did not write extensively about the poor laws. William Holdsworth, and G. R. Elton represent the legal interpretation. Again, other legal historians are more widely recognized but Holdsworth and Elton provide more discussion of the poor laws. William J. Ashley, R. H. Tawney, and Peter Ramsey represent the economic interpretation. Each represents a distinct period in the growth of economic historiography. The social historians in this study are E. M. Leonard, B. Kirkman Gray, Sidney Webb and Beatrice Webb, A. L. Rowse, and W. K. Jordan. Leonard and Gray represent the early twentieth century thinking; Webb and Webb were chosen because of their emphasis on applied history. Rowse and Jordan represent the most recent writing on the poor laws.

Before examining the various interpretations it is necessary to briefly describe the Elizabethan poor laws. In 1597 Parliament passed a series of statutes; in 1601 a few minor amendments were added. Taken together, these statutes are referred to as the Elizabethan poor laws. The most important act in the series was the 39 Elizabeth. c. 3 which placed the relief of the poor mainly in the hands of the churchwardens and four Overseers of the Poor who were to be appointed every year at Easter by the justices of the peace. These churchwardens and overseers were to take such measures as were necessary for setting poor children to work or binding them as

apprentices, for providing the adult unemployed with work by means of a stock of raw materials such as hemp, flax, wool, or iron, and for relieving the impotent, old, and blind. For this last purpose they were empowered to build hospitals on waste land. The funds were to be raised by the taxation "of every inhabitant and every occupier of Landes." Rich parishes might be rated in aid of poorer ones and the forfeitures for negligence, made under this act, were to go to the use of the poor. All beggars were declared rogues except those who begged for food in their own parish and soldiers or sailors regularly licensed who were on their way home.

A county rate was also to be levied on the parishes for the relief of prisoners and for the support of almshouses and hospitals, and a Treasurer for the County was to be appointed to administer this relief. Within corporate towns, the head officers had the same authority as justices of the peace in the country.

Another act was passed entitled "An Act for the punishment of Rogues, Vagabonds and Sturdy Beggars."<sup>5</sup> It carefully defined rogues, vagabonds, and sturdy beggars to include all persons calling themselves scholars who went about begging, all sea-faring men pretending loss of their ships, all idle persons going about begging using unlawful games or plays or pretending to be able to tell fortunes, all wandering persons and common laborers who were able but refused work, and all persons pretending to be Egyptians.<sup>6</sup> The statute dealt

<sup>5</sup>39 Elizabeth, c. 4

<sup>6</sup>The English equated Egyptians with gypsies and had no tolerance for them at all.

severely with the "professional poor," providing that such persons be arrested, whipped till bloody, and returned by a direct route to the parish of their birth or to their legal residence. The law further provided that upon reaching their home parish, they were to be sent to jail or a convenient house of correction if able-bodied, and if they were judged to be incapacitated, they were to be lodged in an almshouse. If a rogue were likely to be dangerous, he was to be banished; if he returned, he was to be put to death.

An act to reform deceits and breaches of trust touching lands given to charitable uses was also passed. It was stated in this act that the lands appropriated to charitable use had been misapplied and consequently power was given to the Lord Chancellor to issue writs to the Bishop of the Diocese to inquire into any abuse of this kind.

Two enactments in this series concerned soldiers. One confirmed the statute of 1592-93 and increased the amount of the rate that justices might impose for their relief; the other provided severe punishment against soldiers, sailors and idle persons who wandered "as soldiers or mariners." But on the other hand, if a soldier or sailor could not find employment in his home parish, he could apply to two justices of the peace and they were obliged to find him work.

Two other statutes dealt with the problem of agrarian change and dislocation. They were both intended to freeze the agrarian economy as it had been at the beginning of the century.

A provision was made that suitable dwelling places for the poor might be built with funds raised by taxation. This included both almshouses and houses of correction. The act for the relief of the

indigent not only provided for care of the poor but more importantly, set up the administrative machinery necessary to carry the act into effect. For the first time, systematic provision was made for the relief of the poor by the appointment of overseers in every parish who were empowered, with the consent of the justices of the peace, to raise funds by taxation from every inhabitant and occupier of the district.<sup>7</sup>

These, then, were basically the provisions of the Elizabethan poor laws. This paper is a study of the various interpretations of the poor laws and the historians who represent those schools of historical thought.

<sup>7</sup>For a full listing and discussion of the poor laws, see Edward P. Cheyney, A History of England (New York: Peter Smith, 1914), vol. II, p. 270 and p. 413. Sidney and Beatrice Webb, English Poor Law History (London: Longman's, Green, and Co., 1927), pp. 61-65 also provide an excellent coverage.

## CHAPTER II

### WHIG HISTORIANS

Because historians who choose to write about the Elizabethan poor laws have such a wide range of interests and approaches, they do not all write about the same facets. There is no way one can compare views on all topics. However, in examining the various schools of thought certain comparisons can be made. Whig historians tended to focus on constitutional development. Legal historians were more concerned with the formulation of the law itself and with its legal consequences. Economic historians, obviously, were more concerned with the economic factors behind the poor laws, although some of them also examined social factors. And social historians may have only touched on legal or economic factors while dealing in depth with social problems.

In many areas, interpretations seem to differ only subtly; in other areas the differences are more marked. The basic differences occur in three main areas. First is the consideration of economic factors. How wide-spread was poverty in sixteenth century England? What were the crucial economic problems? Interpretations of motives for passage of the poor laws also differ significantly. How much did the Elizabethan desire for order influence the decision makers? Were the laws passed by pragmatists or by humanitarians genuinely distressed by poverty. And finally, the question of evaluation gives rise to



a wide range of interpretations.

One of the strongest trends of thought in nineteenth century historiography is the Whig interpretation of history. As has been noted before, this interpretation did not begin in the nineteenth century, but did reach its high point then. It must also be noted that this was certainly not the only interpretation during the nineteenth century but the dominant one. Butterfield held there was a tendency for all history to veer into a Whig history which he defined as an interpretation of the past with reference to the present, the idea being that not only could the present be illuminated by the past but that the past could be understood in terms of modern values. He further defined Whiggism as the

tendency in many historians to write on the side of Protestants and Whigs, to praise revolutions provided they have been successful, to emphasize certain principles of progress in the past and to produce a story which is the ramification if not the glorification of the present.<sup>1</sup>

For Whig historians, history was the story of development, most notably the development of the English constitution from the earliest times to contemporary times. They regarded this development as fortunate, leading to maturity and perfection. Whig history was a study of progressive development achieved by steps that were held to be intrinsically correct.<sup>2</sup> Whig historians further stressed the continuity of English history in all aspects of life.

<sup>1</sup>Herbert Butterfield, The Whig Interpretation of History (London: G. Bell and Sons, Ltd., 1968), p. v.

<sup>2</sup>R. W. K. Hinton, "History Yesterday, Five Points About Whig History," History Today. IX, No. 11 (1959), pp. 720-728.

The Whig interpretation was not the property of Whigs only; it was more than simple mental or political bias. Nor was it restricted to Protestants although it strongly supported Protestantism.<sup>3</sup>

The Whig interpretation was more a matter of organization. It was the result of the practice of abstracting things from their historical context and judging them apart from that context. In dealing with the Elizabethan poor laws, therefore, the fact that the law remained on the books for two centuries tended to get more attention than any attempt to find out how effectively it was enforced.

The Whig method was bound to lead to over-dramatization of the historical story. The historian concentrated on likenesses and abstracted them from context with the result that the sixteenth century Protestants or liberal politicians seemed much more modern than they really were. Butterfield regretted this tendency, writing:

The truth is much more faithfully summarized if we forgo all analogies with the present, and braving the indignation of the Whig historian together with all the sophistries that he is master of, count Protestants and Catholics of the sixteenth century as distant and strange people.<sup>4</sup>

For all its faults, though, the Whig interpretation was an art. Hinton believed it was probably unsurpassed as a form of historical art and that the supreme artistry of Whig history lay in the

<sup>3</sup>Although there were no Catholic Whigs, there were Whig historians who were not consciously Protestant.

<sup>4</sup>Butterfield, Whig Interpretation of History, p. 37-38.

fact that it accounted for events in the same breath as it described them.<sup>5</sup>

Butterfield, too, saw the Whig interpretation as a positive force. He held that behind all the fallacies of the Whig historian, there lay a passionate desire to come to a judgment of values, to make history answer questions and decide issues, and to give the historian the last word in a controversy.<sup>6</sup>

Most Whig historians tended to dwell on constitutional matters. However, some were concerned with broader matters. James Anthony Froude, George Nicholls, and C. J. Ribton-Turner all were of the Whiggish school and had definite views about the Elizabethan poor laws.

More than any other nineteenth century historian, James Anthony Froude set the Victorian version of Tudor history. A brilliant stylist, he saw history as a dramatic narrative based on facts ascertained by careful research. He maintained the historian should not theorize or tell his readers about historical characters but let the people speak for themselves. However, he did not hesitate to state his own opinion about important issues.

Froude only dealt with the Elizabethan poor laws indirectly since he did not cover the last years of Elizabeth's reign.<sup>7</sup> His work was called History of England from the Fall of Wolsey to the

<sup>5</sup>Hinton, "History Yesterday," p. 721.

<sup>6</sup>Butterfield, Whig Interpretation of History, pp. 64-65.

<sup>7</sup>1601 is the date usually assigned to the final codification of the Elizabethan poor law.

Death of Elizabeth, but he chose to end with the defeat of the Spanish Armada in 1588, which he considered the height of Elizabeth's reign. In the first volume of his work, he devoted the entire first chapter (some 90 pages) to the social conditions of England in the sixteenth century. Disputing the theory that the Dissolution encouraged poverty, he called the monasteries inadequate houses and "nunneries of dishonest mendicancy."<sup>8</sup> He spent considerable time on early Tudor poor laws but tended to dwell more on the severe punishments stipulated rather than on how much poor relief the acts actually provided. He concluded that the acts were highly successful but offered no evidence.

Froude must definitely be considered a Whig historian. In spite of the fact that one of his main occupations in life seemed to be combatting the Roman Catholic Church which sometimes distracted him from his main task, he was a giant of his century among historians.

George Nicholls was more a man of public service than historian.<sup>9</sup> In his involvement with administering the poor laws of 1834, he became concerned that there was no comprehensive account of the Elizabethan poor laws and took it upon himself to remedy that. He dealt with social problems but was mainly concerned with the law itself. His Whiggish-Protestant leanings were very obvious as when

<sup>8</sup>James Anthony Froude, History of England. Vol. I: From the Fall of Wolsey to the Death of Elizabeth (Reprint: New York: AMS Press, 1969), p. 77.

<sup>9</sup>Described by C. P. Villiers as the "Father of the new system of poor law," Nicholls was offered the post of Poor Law Commissioner in 1834. He was responsible for seeing that the provisions of the Act of 1834 were carried into execution. He was also entrusted with personally introducing the new law into Ireland in 1838.

he commented on the law of 1575-76 which fixed parental responsibility for children:

The necessity for such a law, which now must be presumed to have arisen, would seem to imply that the moral condition of the people had deteriorated, or at least that it had not improved proportionately to the increase of wealth and population. A different result might have been expected from the diffusion of intelligence, and the more pure and spiritual character of the religious instruction opened out to every class by the Reformation.<sup>10</sup>

Nicholls listed each statute passed that had to do with poor relief and explained all the provisions. He went into considerable detail, emphasizing not only how each provision worked, but also the continuity and constant forward progress of the legislation. He strongly believed that the establishment of a poor law in any shape, or systematic organization for affording relief to the destitute must be regarded as indicating a considerable advance in civilization. He epitomized the Whig historian who interpreted the past in order to glorify the present.

C. J. Ribton-Turner published A History of Vagrants and Vagrancy and Beggars and Begging in 1887. He was concerned with the Elizabethan poor laws and their development as they related to the overall social situation. His primary concern was for the lower classes and what he saw as their social and political struggle to emancipate themselves. He had a tempered faith in the course of history, for

<sup>10</sup>George Nicholls, A History of the English Poor Law Rev. ed. (New York: Augustus M. Kelley, 1967), p. 156.

while he emphasized the continued development of legislation for the poor, he recognized the limitations of such legislation and the limited degree to which social ills could be remedied by politics. He was sympathetic to his subject but open-minded, as when he distinguished between vagrants and beggars:

The history of vagrancy is in earlier times frequently a history of social oppression by which the labourer is driven to lead a wandering life; the history of begging is from first to last a history of craft on the part of the beggar, and of credulity on the part of his supporters.<sup>11</sup>

Ribton-Turner wrote about the Elizabethan poor and the poor laws from the standpoint of one who was seeking legislation that would reform the existing system. His interpretation of the Elizabethan poor laws emphasized its success in reducing juvenile vagrancy. It was his thesis that penal legislation had been tried and had failed, but that reformatory legislation had only been applied to the juvenile and should be extended to the adult.

Ribton-Turner and Nicholls were highly representative of the Whig theory of history. They dealt very little with economic factors but had a great deal to say about other matters.

Of all the social problems connected with poverty in the sixteenth century, vagrancy was the one that most Whig historians focused on. Nineteenth century writers like Nicholls and Ribton-Turner emphasized the harsh measures taken against vagrants and beggars rather

<sup>11</sup>C. J. Ribton-Turner, A History of Vagrants and Vagrancy and Beggars and Begging (London: Chapman and Hall Ltd., 1887), p. 664.

than dealing with the reasons for vagrancy or its effects.<sup>12</sup>

Ribton-Turner believed that the history of vagrancy was often a history of social oppression, so while he wrote little about the economic or social effects of vagrancy, he devoted a great deal of thought to the statutes that provided severe punishments for vagrancy and begging. Nicholls, like Ribton-Turner, tried to show how the law had progressed to his time and he also tended to dwell on the severity of punishments as well as lack of provision made for the truly poor. He did this to support his contention that although a noble effort was being made to grapple with the problem of poverty, it would be up to future measures to continue the development of the law to its maturity.

Neither Ribton-Turner or Nicholls considered the possibility that the laws were not intended to be implemented. That the laws were placed on the statute books was sufficient for them. They interpreted the passage of the laws as indicating the flexibility of the English constitutional system in rising to meet a demanding need.

The Whig interpretation of motives behind the poor laws focused mainly on religious factors. They held that care for the destitute had to be secularized because the Catholic Church, which had assumed the burden of poor relief prior to the Elizabethan era, had grossly failed to solve the problem. Nicholls suggested that the richest and most powerful priesthood ever known failed to relieve poverty

<sup>12</sup>For clarity's sake, in this paper vagrants shall be defined as those who wandered from place to place either begging or seeking work; beggars wandered but had no intention of looking for working.

effectively. It actually encouraged idleness and vice by leading people to rely upon alms and casual contributions for support instead of depending upon their own exertions. Therefore, the Whigs concluded, any effective relief would have to be provided by a secular agency.

The changing concept of giving alms in the sixteenth century was one of the religious factors also considered important by the Whigs. The Whig historians held that not only were medieval alms totally inadequate but that this method of poor relief encouraged begging. Ribton-Turner wrote of the evils of indiscriminate charity. Nicholls referred to the vagrant and mendicant classes who were deprived of their accustomed doles and whose ranks were swelled by those who had been encouraged in idleness by Romanism.<sup>13</sup> Whig historians held that the giving of alms was not effective and so a better method of poor relief was undertaken by sixteenth century Protestants. They saw the change from the casual giving of alms to organized poor relief and the change from a predominantly Catholic England to a predominantly Protestant England in the same terms—a logical, inevitable progression.<sup>14</sup>

Ribton-Turner and Nicholls were also typically Whiggish in their consideration of the effect of the Reformation on the poor laws legislation. They both believed that the Reformation led to a deeper concern for the poor and a keener desire to secure an effective means

<sup>13</sup> Nicholls, History of English Poor Law, p. 194.

<sup>14</sup> See also the discussion in Froude, History of England, pp. 76-77.



of poor relief. Nicholls wrote, "The free circulation of the Scriptures in the native tongue must have exercised a most beneficial influence upon the moral habits and religious feelings of the people."<sup>15</sup>

Nicholls further contended that the public mind was aroused into activity and elevated by the examples of the holy writ. He was typical of Whigs in holding that because of the "higher nature" (on which he did not elaborate) of Protestantism, people assumed a bolder and more energetic tone in all matters concerned with the political and social conditions of the time. Whigs strongly emphasized the positive effects of the Reformation and of Protestantism.

Both Ribton-Turner and Nicholls dealt extensively with early Elizabethan efforts at poor relief. They emphasized the steady progression that led to the legislation of 1597-1601. Nicholls provided the more complete analysis of the two. He concentrated on the statutes of the 1560's and 1570's, noting that by 1563 (5 Elizabeth, c. 5)<sup>16</sup> justices of the peace were empowered to assess and tax at their discretion those people who refused to contribute voluntarily to poor relief. They also had the power to appoint collectors and overseers to gather money and superintend its application. He also examined the statute of 1572 (14 Elizabeth, c. 5) which he considered highly important because it went further in providing work for the unemployed by means of workhouses and stocks of raw materials to be

<sup>15</sup>Nicholls, History of English Poor Law, p. 194.

<sup>16</sup>See Appendix for selected statutes relating to the Elizabethan poor laws.

used for the unemployed in each town or parish. Nicholls is the only historian in this study who dealt with the problem of illegitimacy as it affected the poor. One of the provisions of the statute of 1576 (18 Elizabeth, c. 3) was to change the law to hold the mother and reputed father financially responsible for their children and to provide the machinery to send the parents to jail if they refused this obligation. Nicholls considered this statute to be the basis for the entire English bastardy law. He thought all the provisions of these early statutes important because "they show that poor law legislation was rapidly advancing to the point when the relief of destitution would be recognized as a public duty and be legally established as a public charge."<sup>17</sup>

Nicholls felt that the legislature was governed by kindly feelings toward the impotent poor. To him, as to other Whig historians, the law was a genuine effort to meet the growing needs. He explained that provisions for vagrants and beggars were ruthless but that more judicious and humane provisions were made for the infirm and destitute. He also commented on the principle of the mutual liability of parents and children for each other's welfare which the act of 1597 established.<sup>18</sup> He went on to explain how hospitals and abiding places were established as the legislature finally began to realize that punishment alone was not an adequate answer to the problem of poverty. He noted that, "It appears at length to have been seen that severe

<sup>17</sup>Nicholls, History of English Poor Law, p. 164.

<sup>18</sup>Ibid., pp. 180-181.

punishment loses its terrors in the presence of actual want—that a man will beg, or steal, or resort to violence, rather than starve.”<sup>19</sup>

Thus Nicholls interpreted the law of 1597 as establishing the basis of the Elizabethan poor law. As with other Whig historians, he saw the statute of 1601 not as merely a codification of the 1597 laws, but as an actual step forward. He reported that the law of 1601 was the turning point of poor law legislation since it clearly supported the principle that the relief of destitution must be undertaken as a public duty and be provided at public expense.

Nicholls was unabashed in proclaiming the success of the Elizabethan poor laws. Although he admitted that poverty continued to be a problem, he saw the poor laws as a great success. This was largely because the major provisions remained on the books for two and a one-half centuries. He interpreted the laws as showing evidence of a continuous social improvement, often slow but inexorable.<sup>20</sup> He further summed up his view of the poor laws:

on the whole, then, it may I think be assumed, that at the end of Elizabeth's reign. . . the great mass of the English people were able, by a due exercise of industry, to obtain as large amount of subsistence and physical enjoyment as at any former period; whilst the social improvements which had taken place, extended in no inconsiderable degree to them, enlightening their minds, improving their habits and raising them to a higher and more independent position.<sup>21</sup>

<sup>19</sup>Ibid., p. 188.

<sup>20</sup>Ibid., p. 197.

<sup>21</sup>Ibid., p. 205.

Ribton-Turner was more reserved in his evaluation of the poor laws. He thought that the provision for systematic relief of the poor was a good theory but hard to enforce and easy to subvert into oppression of the poor. He observed that within six months of the accession of James I, vagabondage had reached such a pitch that it was found necessary to issue a proclamation against it. 1 James, I c. 7 declared that incorrigible or dangerous rogues were to be identified and branded in the left shoulder with a large Roman "R".<sup>22</sup> He also noted that in 1609 the Lord Mayor of London received an intimation from the Privy Council that all the ills and plagues affecting the city were caused by the number of poor swarming about the streets and recommended the corporation raise funds and ship these persons to Virginia. Thus, Ribton-Turner saw some serious problems in the effective enforcement of the laws. However, he was convinced that the poor laws were at least a qualified success because they provided a measure of relief. He also held that while enforcement was not very effective, the basic legislation was sound and the problems of enforcement could undoubtedly be worked out.

<sup>22</sup>Ribton-Turner, History of Vagrants and Beggars, p. 132.

## CHAPTER III

### LEGAL HISTORIANS

The category of legal history is not one of definite boundaries. Legal historians can be found among Whig historians or economic historians. Some nineteenth century legal historians were Whiggish in their views, interpreting the law as a progressive development. Many twentieth century legal historians were more inclined to interpret the laws as arising from economic causes. However, with legal historians the emphasis was always on the law itself. They were concerned with how the law developed—with the legislative machinery and governmental role. Although they sometimes shared basic premises with other schools of historical interpretation legal historians differed in their approach and backgrounds. When they dealt with social or economic matters, it was to further explain the laws.

Much can be learned about a society from its laws. In Tudor laws, preambles to statutes also reveal much about what people expected of their laws and of themselves. By examining these documents, legal historians tried to discover one more area in the formation of a state. As Elton put it,

To me it seems what matters most in the story is the condition, reconstruction, and gradual molding of a state—the history of a nation and its leaders in political action and therefore the history of government in the widest sense.<sup>1</sup>

<sup>1</sup>G. R. Elton, England Under the Tudors (London: Methuen and Co., Ltd., 1955), p. v.

This paper will deal with two major legal historians—William Holdsworth who was the first to undertake a comprehensive survey of English law (through 1700), and G. R. Elton who represents the most recent trend of legal historiography. Both are twentieth century writers but Holdsworth is more typical of the early twentieth century historians in that he tended to stress the continuity of the law. Elton, on the other hand, was less concerned with the continuity than with the development of the administration of the law.

William A. Holdsworth, the eminent English legal historian saw an intimate connection between legal and economic history. He believed neither legal historian nor economic historian could do justice to his own field without borrowing from the other. Holdsworth held that the Elizabethan code for the relief of the poor was an essential part and logical consequence of the industrial and social policy of the state.

Thus, just as the commercial and industrial policy pursued by the Tudors created new commercial and industrial conditions which necessitated the growth of new branches of commercial law, so it created new social conditions which necessitated a national scheme of relief of the poor.<sup>2</sup>

Holdsworth wrote of the poor laws in terms of legal developments but he also took into account their economic and social implications. He believed the whole system of poor relief was enforced as part of the general economic system of the state. He saw the poor laws as being passed in order to preserve the health and strength

<sup>2</sup>William A. Holdsworth, A History of English Law (London: Methuen and Co., Ltd., 1924), IV, p. 400.

of the nation which was feeling the stress of its new complexity. He believed the success of the poor laws had an important effect upon the social and legal history of succeeding centuries.

While G. R. Elton technically was not a legal historian, he did considerable work on Tudor constitutional matters. In both England Under the Tudors (1955) and The Tudor Constitution (1968), he was mainly concerned with the constitutional problems of government because he believed they involved less omission or falsification by emphasis than any other central theme.<sup>3</sup> In his article "An Early Tudor Poor Law"<sup>4</sup> he also concentrated on legal developments.

Elton sought the meaning of historical changes in relation to his understanding of continuities. He was not concerned with ideal types in the manner of Weber or Marx but was concerned with historical theory. He was convinced that a knowledge of economic history was essential to understand the legal development. He brought a new perspective based on a broad concept of constitutional history that Tanner, Pollard, and others had already established.<sup>5</sup> However, Elton made use of many of the newer interpretations of the Tudor constitution and especially of administrative history, one of his prime concerns.

<sup>3</sup>Elton, England Under the Tudors, p. v.

<sup>4</sup>G. R. Elton, "An Early Tudor Poor Law," Economic History Review, 2nd Series, VI (1953), pp. 55-67.

<sup>5</sup>See J. R. Tanner, Tudor Constitutional Documents AD 1485-1603 (2nd ed., Cambridge, 1930), and A. F. Pollard, The Political History of England, 1547-1603 (London, 1910).

He did not take it upon himself to do so, but Elton felt the standard accounts of the poor laws (he used E. M. Leonard and Holdsworth) needed revision and expansion. His interpretation of the Elizabethan law, while somewhat limited in scope, did provide a useful viewpoint and slightly different interpretation from any other.

Holdsworth and Elton were more concerned with economic factors than Whigs had been although they did not consider economic factors as crucial as did the economic historians. Holdsworth especially thought there was a close connection between economics and the law. He held inflation to be a crucial factor in the problem of poverty in the sixteenth century; he credited the rise in prices largely to the increased supply of precious metals from the New World and to the debasement of coinage which occurred in the latter part of Henry VIII's reign and throughout the reign of Edward VI.<sup>6</sup> Holdsworth also held the process of enclosure to be a factor in adding to poverty but no more so than inflation or the market fluctuations which threw many artisans out of work.

Legal historians had very little to say about social problems such as vagrancy or urban growth. They had somewhat limited interpretations concerning motives but did try to examine that aspect. Holdsworth credited the Elizabethan desire for order as a prime motive. Most historians agree that the maintenance of order was

<sup>6</sup> Henry VIII had increased money in circulation in 1520 by reducing the weight of silver coins. Again in 1544 through 1551, coinage was debased until the silver content of each coin was only about one sixth of what it had been under Henry VII. Edward VI continued the debasement but the rate slowed down under him.



highly important to Elizabethans—order in society and order in one's personal life. Holdsworth thought that this desire for order became more important and necessary as the society grew more complex. He explained,

Clearly, if the health and strength of the nation were to be maintained and preserved, the state must endeavor to create an organization, which could not only reform and discipline the idler and help the impotent, but could also help the industrious to earn their living.<sup>7</sup>

He interpreted the poor laws as growing out of this concern for order and perfectly in keeping with the political theory of the times.

Elton, too, saw the poor laws as an integrated part of the Elizabethan political climate. However, he built his interpretation around the secularization of poor relief. He did not go into a discussion of the failings or successes of the church in dealing with poverty but he did strongly suggest that organization was lacking. Because charity had been private, it had been insufficient. Times were becoming too complicated economically and socially to rely on any system except a secular one. He further pointed out that while the secularization of poor relief was one of the outstanding achievements of the sixteenth century in most of western Europe, England stood out because she developed machinery for administration and enforcement of which there was no parallel elsewhere.<sup>8</sup>

<sup>7</sup>Holdsworth, History of English Law, p. 388.

<sup>8</sup>Elton, "Early Tudor Poor Law," p. 55.

Legal historians emphasized the actual formulation of the poor laws above all else. Like the Whigs, they were concerned with the continuity of government, but in legal terms rather than in terms of the political process. Legal historians gave more emphasis to early efforts at poor relief in order to explain the statutes in great detail.

Holdsworth focused on the statute of 1535-36 (27 Henry, VIII. c. 25). He believed it marked the beginning of a new legislative era. For the first time it was recognized that work must be provided for the unemployed. The parliament realized that provision must be made not only for the able-bodied vagrant and the impotent poor, but also for the able-bodied man who was idle through no fault of his own.<sup>9</sup>

He went on to explain that all the main provisions found in the poor laws of the late sixteenth and early seventeenth centuries developed from this law of 1535-36. He held that the essential principles of the later laws had been adopted by the parliament by 1576 (18 Elizabeth. c. 3). However, it was one thing to adopt principles and quite another to put them into effect and secure their smooth working. The machinery for putting these laws into effect was not yet provided.

Elton concurred with Holdsworth's findings. He, too, believed the law of 1535-36 was highly significant, calling it the real, if ineffective, beginning of the Elizabethan poor laws. Elton emphasized the administrative machinery this law provided for dealing with

<sup>9</sup>Holdsworth, History of English Law, p. 392.

the sturdy vagabond. Those who were able were to be put to work through a comprehensive, though short-term scheme of public works. He considered this act especially significant since there was no precedent in England for using public works to cure unemployment and he reports he could find no genuine foreign influence. There was no means of providing a compulsory poor rate, however, and the act was ineffective. Elton concluded, though, that the insistence on voluntary alms rather than a poor rate was in keeping with the sentiments of the day.

. . . it was axiomatic at this time that alms had to be freely given to do good to the giver's soul, a position only reluctantly abandoned when it was seen that most men preferred other ways of doing good to their souls.<sup>10</sup>

Legal historians were somewhat timid in assessing the effect of the poor laws. Holdsworth gave the Privy Council a large amount of credit for providing leadership both in getting the law passed and in administering it once it was on the books. He held the poor law was only one of several methods employed by the Council to relieve distress. He emphasized the effective machinery provided to administer the law, using justices of the peace who were acquainted with local people and problems, and maintaining the pressure of the Council on those officials to provide adequate reports. Not only was the supervision of the Council important in putting the poor laws into use but also the fact that the Council could command an efficient and appropriate local machinery. The justices of the peace understood

<sup>10</sup>Elton, "Early Tudor Poor Law," p. 67.

the economic conditions of their counties; the parochial officers giving relief generally knew the personal merits and histories of those applying for it. Thus, the officials upon whom the duty of administering the poor laws was imposed by the parliament were competent to perform it, and the pressure of the Council accustomed them to perform it regularly.

Like the Whigs, legal historians never considered the possibility that the laws were not meant to be used. Although they saw parliament as more pragmatic than the Whigs did, laws passed as emergency measures would not have fit in with their assessment of the Elizabethan political climate. Holdsworth and Elton both interpreted the poor laws as a success although Elton was more reserved in his evaluation. He commented that as the century wore on, the worst dislocations of the agrarian revolution began to wear off; new industries on the one hand, organized crime on the other, absorbed most of the workless poor; the problem became manageable and the Elizabethan poor laws proved satisfactory until the greater upheaval of the late eighteenth century raised new difficulties.<sup>11</sup> He interpreted the success of the laws to be as much from external events as from the actual stipulation of the law.

Thus, in their respect for the law and their emphasis on how much the poor laws reflected the political thinking of Elizabethan

<sup>11</sup>Elton, England Under the Tudors, p. 260.

England, legal historians were very similar to Whigs. But legal historians considered economic problems far more important, were less concerned with religious reasons as possible motives, and differed in their interpretations of the success of the poor laws.

## CHAPTER IV

### ECONOMIC HISTORIANS

The next category of broad interpretation is the economic interpretation, the purest form of which was Marxist history. This historical theory began in the late nineteenth century and continued into the twentieth century. It remained an undercurrent in the study and writing of history until the depression years of the 1930's when, as Page Smith describes it, Marxism burst from its subterranean channel and became for a few years the dominant school of historical interpretation.<sup>1</sup>

While many historians would be appalled to be classified as Marxist, nevertheless, they have not escaped being influenced by the movement. Most historians consciously or unconsciously have come under the influence of Marxism whether following it rigidly or challenging it. Economic historians, Marxist or not, have added to historical theory through their special interpretation. Karl Marx was surely one of the most influential theorists of society in the modern era. Marx's ideas of explanation emphasized economic necessities. He led historians to study economic and social conditions in as much detail as political and military conditions. The value of Marx's

<sup>1</sup>Page Smith, The Historian and History (New York: Vintage Books, 1960), p. 46.

theory of history has been even more important than his contributions to socialist economics. As Hobsbawm stated,

We are required neither to agree with his conclusions nor his methodology. But we would be unwise to neglect the practice of the thinker who, more than any other, has defined or suggested the set of historical questions to which social scientists find themselves drawn today.<sup>2</sup>

The Marxists (although they cannot claim the original discovery of the idea) have taught that history does not proceed by logical developments, by a kind of progress which is presumed to take place, every-step-in-order, along a straight line. Rather, movement occurs because of the issues that perpetually arise within a given society. The issues lead to conflict between various parts of society and the conflict leads to a new development. The chief contribution of the Marxists has been that they, more than anybody else, have taught historians to make history a structural piece of analysis—something which is capable of becoming more profound than a piece of ordinary political narrative.<sup>3</sup> Non-Marxists used many of the techniques to substantiate their interpretations, although they reached different conclusions.

Like Whig history, economic history presented itself as self-explanatory and all-embracing and envisaged a fortunate outcome which is approached by stages that are intrinsically right. The economic

<sup>2</sup>E. J. Hobsbawm, "From Social History to the History of Society," Daedalus, Vol. 100 (Winter, 1971), p. 29.

<sup>3</sup>Herbert Butterfield, History and Human Relations (New York: The MacMillan Co., 1952), p. 79.

interpretation did neatly explain the changes, but it was often too remote and could not be brought down to particulars.

The problem of defining the nature of the transition from medieval to modern society was a critical one for economists. The sixteenth century was a period of transition in which England emerged out of the medieval into a modern world. The Elizabethan poor law grew out of this transition and as such, held interest for many economic historians.

Three major economic historians will be dealt with—W. J. Ashley from the nineteenth century, R. H. Tawney from the early twentieth century, and Peter Ramsey, who represents the most recent period. All are mainly concerned with the economic and social implications of the poor law. Each brings his own special insights to his study and examines the topic in a slightly different light.

Sir William Ashley introduced economic history into the United States and England. He was one of the most determined advocates of the study of economic history. His importance as a historian was based not so much on the originality of what he wrote as on the originality of the field in which he worked and of the method which he employed.

In general, he distrusted all theories—they were too simple or too perfect to be real. He found a certain amount of truth in Karl Marx but believed Marx's theory of values was wrong and that the evolution of social and economic institutions was slower and more complex than Marx taught. He was not convinced of the soundness of



economic determinism. Ashley never advocated any particular school of history, believing that each had something to offer. He was just as firm in his lifelong insistence that historical generalizations not be based on the interpretations of a few words or phrases but must rest on the evidence of all the sources. In comparison to many historians, Ashley's work was small in bulk but his influence was widespread. His greatest service lay in his emphasis on the nature of the field to be studied and on the method of study.

Ashley's approach to the Elizabethan poor law was mainly concerned with the economic consequences of the Dissolution, with agricultural problems of the time, and with the social consequences of industrial developments. Because of his own research as well as his attempt to encourage his fellow historians to become more aware of economic history, he stands as one of the greatest Tudor economic historians of the nineteenth century.

R. H. Tawney is one of the best known of English economists and economic historians. In The Agrarian Problem in the Sixteenth Century (1912) he delved deeply into Tudor evidence and provided a classical interpretation of an agrarian revolution. He was far more interested in the social consequences of the agrarian revolution than in the extent to which it fostered technological progress. In Religion and the Rise of Capitalism (1926) he took issue with the Weber thesis. In both works, he was mainly interested in the social consequences of events; in both, his objective was to trace certain strands in the development of religious and economic thought on the social questions in a period which saw the transition from medieval to modern theories

of social organization. He explained,

The supreme interest of economic history lies, it seems to me, in the clue which it offers to the development of those dimly conceived presuppositions as to social expediency which influence the actions not only of statesmen, but of humble individuals and classes, and influence, perhaps, most decisively those who are least conscious of any theoretical bias.<sup>4</sup>

As a leading member of the British Labour Party since its earliest years, Tawney could hardly be said to be friendly toward capitalism. His own socialistic sympathies were engaged on the side of the dispossessed. Basically, he accepted the thesis of the causal relationship between the Protestant Reformation and the rise of capitalism, however he held the thesis inadequate to explain the broad overall relationship between Protestantism and capitalism. Tawney's thesis is as controversial as the one he challenged, but the questions he raised are of crucial importance to our understanding of the sixteenth century.

Peter Ramsey published his Tudor Economic Problems in 1966. He believed that the successive stages of the Tudor poor laws showed an increasingly humane and discriminating understanding of the problems of poor relief and the recognition of society's duty to meet them. He called the Elizabethan poor laws "the best evidence of Tudor paternalism in action, and the increased readiness of the state to intervene in social life."<sup>5</sup>

<sup>4</sup>R. H. Tawney, The Agrarian Problem in the Sixteenth Century (New York: Burt Franklin, 1912), p. vii.

<sup>5</sup>Peter Ramsey, Tudor Economic Problems (London: Victor Gollancz Ltd., 1966), p. 158.

Ramsey relied heavily on statistics but cautioned about misinterpreting them, noting for example, that when the price of wheat doubled in a bad harvest year, the poor did not necessarily starve, they ate a higher proportion of cheaper cereals instead. So, although food fell in both quantity and quality, it was not necessarily to the catastrophic extent suggested by wheat figures. He also cautioned about jumping to conclusions about economic problems of the time such as inflation, believing that there was no single fully convincing explanation of the great Tudor price-rise.

He tended to believe the poor laws were only intended for emergency use and to supplement private charity. The thing he found most significant was the growing provision of machinery to enforce both the punitive and remedial legislation. He gave considerable space to early Tudor efforts and town measures, emphasizing that he did not believe the central government should be given too much credit for the achievement of the poor laws since local authorities had acted well in advance of it.

Economic historians examined economic problems of the sixteenth century much more closely than other historians, believing that economic factors were the crux of all developments. Several factors affected the economy during this period. One of these factors was inflation which was virtually rampant during the late Tudor period. The age possessed little statistical sense; sizes and quantities of goods varied greatly and were not specified often enough to be able to compare prices of goods adequately. The only commodity for which

copious price-material has been maintained is wheat and it was not the staple food for the bulk of the population. However, all grain prices were going up at a rate which gives some indication of the general trend of all prices.<sup>6</sup> Ramsey offered evidence that prices of basic consumables had at least tripled in price by 1580 (using 1500 as a base) and had quadrupled by 1600.

Ashley only touched on the topic of inflation but he held the debasement of coinage to be the central factor in rising prices. Ramsey, too, gave importance to the great debasement of the 1540's, noting that between 1543 and 1551 the silver content of coinage was reduced by more than two-thirds. He also pointed out that easier credit, more rapid circulation of currency, and credit instruments were also inflationary but it is impossible to show the extent of such development. Like Ashley, Ramsey gave little credence to the thesis that the influx of silver from the New World was major cause of inflation. He considered it highly unlikely that rising prices across the Channel could have, of themselves, produced the five-fold increase in English grain prices.

Ramsey gave credit to the growth of population as the single most important long-term factor in the price rise. As population increased, pressure was put on limited resources that could not grow as rapidly.

Ashley held enclosure to be the single most important reason for poverty in the sixteenth century. He claimed it deprived a large part

<sup>6</sup>See Appendix for a table of grain prices.

of the agricultural laboring class of an adequate means of support in their old places of abode and sent them wandering through the country.

Tawney dealt in the most depth with the agrarian problems of the sixteenth century. He believed the agricultural changes of that time could be regarded as a long step in commercializing English life. The new agricultural methods were a powerful factor in the struggle between custom and competition which colored so much of the economic life of the period. He held the displacement of a considerable number of families from the soil occurred because of enclosure and this accelerated the transition from the medieval wage problem, which consisted in the scarcity of labor, to the modern wage problem, which consisted in its abundance.<sup>7</sup> Whatever uncertainty was attached to the causes and effects of enclosure there could be no doubt, according to Tawney, that those who were in the best position to judge at the time, thought it highly important. He admitted the evidence was open to interpretation and figures of actual cases hard to come by, but pointed out:

The fact that statistical evidence reveals no startling disturbance in area enclosed or population displaced, is no bar to the belief that, both in immediate consequences and in ultimate effects, the heavy blows dealt in that age at the traditional organization of agriculture were an episode of the first importance in economic and social development.<sup>8</sup>

Tawney held that those living in the sixteenth century truly believed enclosure was shaking the very foundation of a healthy

<sup>7</sup>Tawney, Agrarian Problem, p. 3.

<sup>8</sup>Ibid., p. 402.

economic life. He suggested that the problem was as much psychological as anything.

Another economic factor was the Depression of 1594-1597. In 1594 a severe economic depression began in England spreading through both urban and agricultural regions. There were heavy and unseasonal rains for several years beginning in 1594 with the result that harvests were poor for five consecutive years. The economy was also strained by the war with Spain. The worst year was 1596 when the dearth of necessities was so great, prices so high, and unemployment so general, that numerous regions were threatened by famine.<sup>9</sup> There was evidence of outright starvation in the summer of 1596 and the turbulence so feared by the Tudors spread across the realm in the wake of hunger. All of the economic historians in this study provided detailed explorations of the causes of the depression and its effect on the poor. None spent very much time in considering the depression as a possible motive for the passage of the poor laws. This was probably because they felt the effects of the depression were so severe that there was simply no doubt in their minds that the depression was a major factor as a motive for passage of the laws.

Economic historians dealt in depth with the problems of vagrancy. Although they focused primarily on economics, they also tried to explore social aspects. Ashley wrote that in the sixteenth century

<sup>9</sup>Despite the sternest efforts of the government to control prices and relieve the communities where the scarcity was greatest, the price of bread grains rose wildly to such figures as 9s a bushel for wheat in Devon in midsummer, 10s in London, 12-15s in Bristol, and 18s in Shrewsbury.

beggars positively became a menace to quiet folk. He noted that beggars had existed prior to that time, but called the Tudor Age, "a time when to the old evils of mendicancy and vagrancy, as the Middle Ages had produced them were being added all over the country much distress and misery among the honest labouring population."<sup>10</sup> He tended to emphasize the fact that many poor and needy people were willing to work but that this was not recognized until well into the period.

Tawney stated flatly, "The sixteenth century lived in terror of the tramp."<sup>11</sup> He held vagrancy was a special feature of sixteenth century pauperism because it was so widespread and vicious. He also suggested that vagrancy was a psychological problem; the poor who were forced into vagrancy were so unsure of the future that they felt they had no real alternative to wandering.

In his discussion of vagrancy, Ramsey reminded the reader that beggars were often licensed in municipalities and thus condoned, but that by Elizabeth's reign, it was difficult to check on the credentials of every beggar and that the charity was easily and frequently abused. He stressed the point that as early as 1531 the distinction between the deserving and undeserving poor was recognized but that it was almost impossible to assess each person applying for relief under the law and custom then existing.

Economic historians also provided a good discussion of urban growth. Historians recognized that England was becoming more urbanized

<sup>10</sup>William J. Ashley, An Introduction to English Economic History and Theory (London: Longman's and Co., 1893), p. 356.

<sup>11</sup>Tawney, Agrarian Problem, p. 266.

in the sixteenth century but was still predominately agricultural. The strain on municipalities was considerable as immigrants flocked from the countryside.

Ashley was one of the first historians to deal with the problem of urbanization to any extent. Earlier writers had certainly recognized it but their emphases were on the continuity of legal development. They did not address themselves to any exploration of growing urbanization.

Ashley was mainly concerned with the economic problems of urbanization--rises in prices due to increased demand for goods, overabundance of labor supply, and of course, with the expansion of industry. Ramsey, too, was concerned with the economics of urbanization but he did deal more with other factors than did Ashley. He noted that while London grew from a population of about 50,000 to one of 200,000 during the sixteenth century, not all towns grew at that rate. Inevitably beggars congregated in the wealthier towns and parishes which thus became burdened with numerous indigent "foreigners" in addition to their own poor. He suggested then, that not only was the urban population swelled by people seeking work in industry, it was also swelled by those who had no intention of working.

Economic historians gave much importance to the Elizabethan desire for order as a motive for passage of the poor laws. Tawney and Ramsey especially dealt with this factor. In The Agrarian Problems of the Sixteenth Century, Tawney stated,



The recognition that the relief of the destitute must be enforced as a public obligation was not the consequence of the survival of medieval ideas into an age where they were out of place, but an attempt on the part of the powerful Tudor state to prevent social disorder caused by economic changes, which, in spite of its efforts, it had not been strong enough to control.<sup>12</sup>

This statement summarized the thinking of most nineteenth and early twentieth century economic historians on the subject of the desire for public order as a motive for the passage of the poor laws. They agreed that Tudor monarchs were very concerned about public disorder and that the poor laws were at least partially police measures.

Ramsey agreed with this thesis and took it even further. He held that Elizabethans acted more from practical, pragmatic reasons than pure humanitarianism. Expanding on the desire for order as a prime motive behind the poor laws, he held that not only were the Elizabethans fearful that social unrest would lead to domestic disorder, but that there was also a concern that domestic unrest would be exploited by foreign princes. He also suggest that by passing a national law, the government could further maintain order because it would then be the ultimate enforcer of the law.

Tawney was the only economic historian to deal, to any extent, with religious factors as a motive. He held that Catholics and Protestants looked at poverty from totally different perspectives. Catholic feelings had lent a half-mystical glamour to both poverty and to the compassion by which poverty was relieved, for poor men were

<sup>12</sup>Ibid., p. 280.

God's special friends.<sup>13</sup> Protestants, on the other hand, held that pilgrimages, indiscriminate almsgiving, and monasteries were simply excuses for idleness and must be suppressed. Furthermore, vagrants must either be banished or compelled to labor. Labor was considered to be a necessary discipline, through which the soul could find health. He definitely saw the Reformation as bringing a new way of looking at poverty which led ultimately to the Elizabethan poor laws.

Tawney also held that because of the Protestant emphasis on work there was encouragement for the passage of a law that would provide for the truly impotent and more importantly, eliminate the able-bodied beggars. By insisting on compulsory labor, businessmen and industrialists could not only help the needy improve their spiritual lives through the discipline of work, but they themselves could be assured of a labor pool. Thus, for Tawney the Protestant Ethic provided a rationale for a legislated approach to poor relief.

Economic historians tend to limit their interpretations of the formulation of the poor laws to a few well-defined areas. Ashley concentrated on establishing intent to deal with all the poor—not just the able-bodied beggars. Thus, he saw economic considerations as influencing the early laws and not just an attempt to clear up pesky social problems.

Ashley found the significant feature of the 1536 statute the fact that the act was clearly intended to ban begging. Previous statutes had merely attempted to confine begging to those who could not labor.

<sup>13</sup>R. H. Tawney, Religion and the Rise of Capitalism (New York: Harcourt Brace and Co., 1926), p. 260-61.

With this statute, the obligation to support the destitute was distinctly laid upon the parishes. Ashley held that when this responsibility was understood, it was a natural corollary to introduce compulsory assessment if voluntary contributions did not suffice. Moreover, there was a dim perception that it was not always possible for the able-bodied to find work. Ashley regarded this act rather than the legislation of Elizabeth as the foundation of the English poor law.

Ramsey concentrated on the administrative machinery provided by early measures, noting that the act of 1531 (22 Henry VIII. c. 12) established the parish as the administrative unit for poor relief although justices of the peace were not given the responsibility for the enforcement of poor relief until 1536 and a compulsory poor rate was not established until 1563 (5 Elizabeth. c. 20).

Economic historians were reserved in assessing the effect of the Elizabethan poor laws. Basically they believed that passage of the laws was a good thing because it established national responsibility for all citizens. However, they believed the laws were difficult to enforce effectively, and so had minimal effect. Because of this Ramsey drew a different conclusion than Ashley or Tawney. He held that the statutory powers of local authorities were rarely invoked in practice and that a poor rate was only levied in times of dire emergency. According to Ramsey, the national system served only to supplement the work of private charitable enterprise. Furthermore, Ramsey observed that while overt opposition to the king or Privy Council was unlikely,

there was considerable scope for passive resistance.<sup>14</sup> However, he felt that this was understandable since private charity was providing the bulk of relief and this was clearly the intention of Parliament. He noted that although the poor in the towns were more numerous and relatively poorer at the turn of the century than in 1485, both public and private charity were better organized to meet the problems of poverty. The foundations of economic expansion had been laid and a better standard of living for all classes could be built upon them.

Economic historians did not like abstractions divorced from real life. They saw the Elizabethan poor laws not in the Whig's terms of inevitable progress but as the result of human reaction to human problems. They were concerned primarily with the problem of alienation in society and how every society is conditioned and determined by its own past.

<sup>14</sup>Ramsey, Tudor Economic Problems, p. 174.

## CHAPTER V

### SOCIAL HISTORIANS

The term social history is hard to define. Many of its practitioners are uncomfortable with the term. Social history can never be a specialization like economic or legal history because its subject matter cannot be isolated. Social history might be defined negatively as the history of a people with the politics left out, but it is far more than that; without social history, economic history is barren and political history is unintelligible.<sup>1</sup> Stated positively, social history is simply the study of the structure of society.

Obviously, social historians tend to emphasize social questions, but they use various means to build an interpretation. Economics, psychology, law, and other studies are all used to provide a clearer picture of historical situations.

Some areas of society are more easily studied than others. As Fussner observed, "The inarticulate and submerged—poor peasants and poor townsmen—cannot be as fully understood as the aristocracy, the gentry, the merchants, and the intellectuals."<sup>2</sup> However, historians have tried to examine the problems of poverty by a variety of methods and have produced some highly useful but varied interpretations.

<sup>1</sup>G. M. Trevelyan, Illustrated English Social History (London: Longman's, Green, and Co., 1942), II, p. vii.

<sup>2</sup>Fussner, Tudor History, p. 169-170.

The social historians in this study can be placed in two groups, those who wrote in the early half of the twentieth century and those who have written after about 1950. The earlier historians tended to use the techniques and methods of other fields. They were traditional in the way they approached their study. This is not to say they did not produce fine works. E. M. Leonard, writing at the turn of the century produced a work still considered classic. B. Kirkman Gray and George Trevelyan were chosen for this study because they emphasized the movement of the poor; they felt not enough attention had been paid to this segment of society. Sidney and Beatrice Webb were chosen because they tended to be very classconscious in their coverage of the labor movements of the lower classes.

After the second World War, social history gained prominence. Some historians feel this is when true social history came into being.<sup>3</sup> Techniques and methods changed, and recent social historians offered differing interpretations than did earlier writers. A. L. Rowse and W. K. Jordan represent these recent historians.

Prior to about 1945, social historians tended to be fairly traditional in their interpretations. They tended to use the same techniques and methods of research as constitutional and political historians, since social history had not really come into full acceptance. Statistics were used but historians seldom looked beyond the surface to find out how accurately the figures reflected the facts. Conceptual

<sup>3</sup> Hobstawn supported this thesis noting that the first journal specializing in social history, Comparative Studies in Society and History, did not appear until 1958.

rigidity was preferable to licentious doubt.<sup>4</sup>

In a more positive note, social historians tried, even in the first half of the twentieth century, to examine all of society and not just the parts that were most visible. They were as much concerned with the way the people of Elizabeth's England were organized as in the way their institutions were organized.

Some very substantial histories were produced during this period. E. M. Leonard is recognized as an authority on the Elizabethan poor laws. B. Kirkman Gray and G. M. Trevelyan both contributed considerably to the understanding of the poor laws. And, of course, Sidney and Beatrice Webb added immeasurably. The interpretations of Leonard and Webb and Webb will be used to represent the early twentieth century social historians since their works go into more depth than the others and are generally held to be classics.

E. M. Leonard's The Early History of English Poor Relief (1900) is a standard in the history of the Elizabethan poor laws. She saw a strong connection between the relief of the poor and the maintenance of orderly government in the sixteenth and seventeenth centuries. Her concern was with the way the poor fit into Elizabethan society and with the tensions that arose when inadequate provision was made for them by that society.

She traced the development of the poor throughout the sixteenth century, statute by statute. She also gave considerable attention to the regulations of the larger towns. Not only did she explain

<sup>4</sup>Fussner, Tudor History, p. 85.

the major provisions in detail, she attempted to provide an overall understanding of the reasons why such statutes were passed and their effect. She admitted, however, that the question of poor relief was not settled by statutory enactments any more than by municipal regulations.<sup>5</sup>

Like Elton, Leonard was vitally concerned with the administration of the poor laws. She held that the administration had much to do with making England a law-abiding and orderly community. She did not think that the law was the answer to all problems and she recognized its inadequacies and failures. But she interpreted the poor laws as a positive attempt on the part of the Elizabethan government to meet some of the pressing social problems of the times.

Leonard dealt with economic issues in some depth although she did not see the economic factors in the same terms as economic historians. Since her concern was with social problems she focused on the way economics affected those social problems rather than focusing on the economy itself.

She wrote that inflation was a serious problem in the sixteenth century and contended that the rise in population was the main reason. She observed a growth in population in both urban and rural areas. She believed that the peaceful life of the small farmer as well as that of the small craftsman was favorable to the growth of population. While sanitation was still far from good, it was considerably better

<sup>5</sup>E. M. Leonard, The Early History of English Poor Relief (Cambridge: Cambridge University Press, 1900), p. ix.



than it had been in the preceding century so disease and infant mortality were somewhat lessened. Also, life was generally more settled; great numbers of men were no longer engaged in military maneuvers.

She also considered enclosure a major factor in the economic problems of the times. She stated that when sheep became more profitable than farming, men who cultivated the soil were evicted from the land and thus agricultural laborers and small yeomen helped swell the crowds of the unemployed.<sup>6</sup>

Leonard especially emphasized the significance of the depression of 1594-97 in securing passage of the poor laws. She held that strong measures were attempted by both local and national government but that the existing organization for the relief of the poor could simply not stand the strain of the continued stress of these years. She believed the depression also made more people aware of the extent of the problem, stating,

The distress of these years thus brought vividly before men of the time the evils and the danger of the existing economic condition of the very poor, and the resulting awakening of public opinion was probably the chief factor in the creation of better legislation and more efficient administration in later years.<sup>7</sup>

Leonard's interests were overwhelmingly on social problems of the times and she provided a richly detailed survey of various aspects of society.

<sup>6</sup>G. M. Trevelyan considered enclosure to be as much a psychological factor as anything. See his discussion in English Social History, pp. 115-120

<sup>7</sup>Leonard, English Poor Relief, p. 127.

Leonard agreed with Ashley that vagrants and beggars had not been much more than nuisance prior to the sixteenth century but that during that century they became a chronic plague. She noted that the great increase in the numbers of vagabonds began early in reign of Henry VIII which would discount the Dissolution of Monasteries as a major factor since the dissolution occurred much later in Henry's reign.<sup>8</sup> Leonard believed the cause of the increase was closely connected with the lack of employment. Not only was the enclosure movement evicting men from the soil, but large numbers of soldiers found themselves unemployed. Huge armies were no longer needed to maintain the great lords now that the monarch was so strong. Thus one of the chief occupations of the Middle Ages was no longer necessary.

Leonard also wrote of the theory that the poor congregated mainly in the wealthier towns where poor relief benefits were better. She used London as an example to explain, "The very measure which were taken to cope with poverty in London thus increased the crowd of beggars, . . . because they attracted the poor from all parts."<sup>9</sup> She noted that even when the poor were fed, they were still improperly clothed and housed, and often contracted disease. Thus, the urban poor were a center of physical as well as moral pollution.

Leonard was not as concerned with the question of motives behind the poor laws as other historians, although she did examine the question briefly. She interpreted the poor laws being good and so

<sup>8</sup>B. Kirkman Gray, on the other hand, felt the Dissolution was a major factor. See his discussion in A History of English Philanthropy (London: Frank Cass and Co., Ltd., 1905), p. 6-11.

<sup>9</sup>Leonard, English Poor Relief, p. 40.

concluded that obviously motives were humanitarian. She had a tendency to imply that since the poor laws were passed, Parliament must have been aware of the social problems of the time and wanted to remedy them. She did not give any attention to the theory that the laws were passed to help maintain order or to the theory that Parliament was fearful of widespread social unrest.

She was deeply interested in the formulation of the laws and the developments which led to the ultimate legislation of 1597-1601. She gave much credit to the towns for their early efforts to meet the needs of the poor. Leonard stated that between 1514 and 1569, town councils were far more active than Parliament or the Privy Council in poor relief efforts. A series of regulations adopted in London between 1514 and 1524 directly concerning vagrants and beggars was at first negative rather than positive. Begging by the able-bodied was forbidden and citizens were forbidden to give to unlicensed beggars. In 1549 London became the first secular authority to establish a defined, assessed compulsory poor rate in England.<sup>10</sup> Continuing, Leonard noted that city officials realized poor relief was an urgent practical necessity and were doing their utmost to cope with problems like immigration from the country which actually required a national solution. She reported that the City organization broke down because it was confined to the City, but that it provided considerable service

<sup>10</sup>Parliament did not establish compulsory measures until 1563, well after London (1547), and Colchester and Ipswich (1557).

in helping the growth of the national organization which was to follow.<sup>11</sup>

In towns like Lincoln, Ipswich, Cambridge, and York, the order of development in poor relief was similar to that of London. The poor were surveyed, the truly helpless were licensed to beg, and all others forbidden to ask for any relief. When Norwich made its census of the poor in the city in 1570, it found nearly 400 men, over 800 women, and almost 1,000 children. The poor who were unable to work were to be relieved; all others were set to work. A center was set up as a residence for destitute adults and children and also served as a training center. An orphanage was refounded at St. Giles to care for and train twelve children. These orders were put into force about May, 1571, and were essentially municipal action. It seems to have been the first English town to prohibit begging altogether, including the system of licensed begging still being employed in most parts of the country. Leonard reported it was perhaps the only place where a purely municipal organization for the poor was successful for any length of time.

Leonard pointed out that the most general arrangement made by towns throughout England for the unemployed poor and for vagrants was a house of correction. Houses of correction were often also hospitals for the old and industrial schools for the young. Christ's Hospital at Ipswich was a good example of this kind of institution. It was

<sup>11</sup>Leonard, English Poor Relief, p. 40.

founded in 1569 and was controlled by the town. It was used for vagrants who were forced to work and "be corrected," and for children and the impotent. Many houses of correction were built throughout England in the latter days of Queen Elizabeth.

Thus many towns acted well before Parliament to try to meet the needs of the poor. Both Leonard and the Webbs interpret these efforts as well organized but severely hampered by their very regionalism. They did contribute to the development of a national law. Many of the ideas and provisions of the municipal regulations would later be incorporated into the Elizabethan poor law.

The period from 1569 to 1597 was a time of growth of legislation and of the machinery of administration. Each historian in this study agreed that the years of scarcity in the mid 1590's brought home to most people the weakness of the inefficient administration of the existing system of poor relief. By 1597 the whole question of poor relief was being re-opened and rethought.

Leonard noted that the Privy Council made efforts after the law was passed to secure its proper administration. In April of 1598, the Council sent a letter to the high sheriff and justices of the peace in each English county admonishing them not only to carry out the new law but make full report of their progress. She felt this letter showed the Privy Council was administering relief exactly the same way as it had in the past but this time it seemed mainly to be primarily directed by motives of humanity and not mainly by a desire to maintain order.<sup>12</sup>

<sup>12</sup>Ibid., p. 144.

Although the Council became increasingly active on behalf of the poor, Leonard commented that it was easier to pass a poor law than to procure a good system of administration. However, she felt that while the law was not equally well administered at all places or at all times, the period from 1597 to 1644 was highly important because the legal relief of the destitute became the practice of the country and there was "more poor relief than we have ever had before or since."<sup>13</sup> In fact she suggested that for a short time under the early Stuarts, a limited socialism was established.

From 1605 to the 1620's the law was poorly executed. Rogues swarmed again, collections were not taken, overseers neglected to apprentice children. In many places justices grew careless and the law was not stringently enforced. Leonard wrote of a great improvement in 1622-1623 due to a season of food scarcity accompanied by a crisis in the cloth trade. From 1629 to 1644 the Privy Council made continuous efforts to see the law enforced. Leonard held that from 1631 to 1640 more poor relief was provided in England than ever before or since, especially as far as children and the infirm were concerned. She also observed that repressive regulations against vagrants were impossible to enforce because the "foolish piety" of the inhabitants and the justices prevented many punishments from being inflicted. While not all the provisions of the law were carried into action, Leonard's interpretation was that the poor law was highly successful.

<sup>13</sup>Ibid., p. 238.

When Sidney and Beatrice Webb published their three-volume English Poor Law History in 1927 they provided a more comprehensive account by far than in any previous work. They used much fresh manuscript material, offering an enormous amount of fully-documented research.

The Webbs were concerned with the relationship between what they called the two English nations—the rich and the poor. They were especially interested in exploring just why the gap between classes seemed to increase during the sixteenth century and what was done to try to bridge it. They were also specifically concerned with how effective sixteenth century attempts at poor relief were.

They dealt extensively with town regulations providing for the poor and offered an imposing array of recorded experiments and improvisations by a multitude of local authorities. They noted that more was done for the poor in boroughs than rural areas but concluded that the need was greater in the boroughs. The Webbs also systematically traced the development of national policy, citing the law passed under Henry VIII in 1531 entitled "How Aged Poor and Impotent Persons Compelled to Live by Alms Shall Be Served" as the earliest English law for the relief of the poor.

The Webbs paid special attention to the growth of education, public health, and other activities of the state aimed at the prevention of various types of destitution out of which pauperism arose.

The analysis of the Elizabethan poor law made by the Webbs was perhaps inspired by an actual project of legislation that they had in mind. They were the advocates of practical history which would have

a direct bearing on current affairs. Because they were gravely concerned with the plight of the working class of their own time, they hoped to examine what had been done historically in order to reinforce and clarify their present attempts at reform legislation. Therefore, their interpretation was slanted toward the emphasis of concrete provisions and how they worked.

The Webbs basically agreed with Leonard's interpretation. However, they were more class conscious and saw the problem of vagrancy as a struggle on the part of the laboring class against those who would bring the laborers back, as nearly as possible, to the servile conditions of preceding generations.<sup>14</sup> While they were fully aware of the threat to society that vagrants presented and document many instances of assault, robbery and general disruption, they emphasize the inhumanness of industrialization as being more of a threat than the vagrancy which they felt was caused by it.

The Webbs mainly emphasized the measures taken to alleviate poverty, but they did address themselves to some of the problems of urbanization. Like Leonard, they were concerned with health problems caused by crowding and inadequate housing and sanitation. They were also concerned about the lack of education for the children of the urban poor.

The Webbs were interested in the formulation of the laws, but not to the extent that legal historians were or even that Leonard was.

<sup>14</sup>Sidney Webb and Beatrice Webb, English Poor Law History (London: Longman's, Green, and Co., 1927), p. 25.



They did briefly examine some early Tudor legislation regarding poor laws, though. They cited the statute of 1531 as the first real law passed for poor relief but concurred with legal historians that the act of 1536 was more significant since it clearly established the parish as the local unit of responsibility and provided the means by way of justices of the peace, for the enforcement of the laws. They explained that the statutes of 1572 and 1576 established a comprehensive poor law nominally extending into every part of the kingdom for all classes of indigent needing relief. They held that by 1590, well before the massive legislation of 1597-1601, all the characteristics of the Elizabethan poor laws were sporadically in operation.

Sidney and Beatrice Webb credited the Privy Council with providing much direction in establishing a national poor law. They held that the decision was made sometime between 1586 and 1597 by these officers of the Crown to establish a centralized administrative hierarchy. The explicit task set by the Privy Council was to protect the whole nation from dearth and also ensure that measures for the relief of the poor, both the impotent and the able-bodied, were actually put into operation. Because of the efforts of the Privy Council and local authorities, the Webbs believed Parliament was most anxious when it met in October of 1597 to introduce legislation connected with the relief of distress and discontent. By January a series of six statutes had passed both houses. These provided for the maintenance of tillage; a means of obviating the decay of townships; punishment of rogues, vagabonds, and sturdy beggars; prevention of deceits and

breaches of trust in charitable endowments; the erection of hospitals or "abiding and working houses" for the poor; and a comprehensive measure for the relief of the indigent.

The Webbs concurred with many of Leonard's findings about the enforcement of the laws. They found many parishes where the law was not enforced, especially in remote parts of Wales and isolated rural parishes in England. There was tendency among parishes, with the implicit connivance of local justices, to let the law slip into disuse. However, the Webbs held that things improved noticeably after 1631 with the publication of the Book of Orders. There were indications that not only was poor relief more widespread, but that the administration of poor relief had improved.

Social historians since about 1945 have had a distinct advantage over their earlier counterparts. Not only have they had the earlier theories to build on or to counter, but new information has been becoming available as local records become more accessible. Methodology has also changed somewhat. Comparative studies in economic and social history have produced a keener understanding of Elizabethan England. Statistical studies have proven enormously helpful, if controversial, in explaining some of the changes in the social structure as well as other aspects of Tudor life. Historians have emphasized the complex interplay between religious and secular forces, between economic and political forces, and between psychological and general historical forces.

Thus, recent interpretations of the Elizabethan poor laws are significantly different from earlier works. A. L. Rowse chose to

deal with the poor law within the broad framework of Elizabethan society as a whole. W. K. Jordan dealt with the law in terms of it being a part of a general philanthropic movement of the time. Both represented recent trends in interpretation.

A. L. Rowse was concerned with the entire structure of Elizabethan society. He was very successful at descriptions—they are detailed and vivid. He painted a colorful picture of the sixteenth century. He seemed less successful at presenting the facts. He never left the reader in doubt as to his own attitudes and prejudices but his view of the Elizabethan Era as the Golden Age of England interfered with objectivity.

Like Leonard, the Webbs, and others he noted that attempts to found a system of poor relief were common to most countries of Western Europe in the sixteenth century but Rowse observed,

It is the continuous existence of the system worked out in England at that time that distinguishes this country; tribute to, and evidence of, efficiency of administration, for it certainly was a most intractable and difficult problem.<sup>15</sup>

He examined the poor laws mainly in terms of society's response to the problem of poverty. He tended to emphasize the nationalism of the time and public spirit. He also seemed to connect wills and benefits with the effect of the 1597 legislation; seeing society rising to meet the needs of the poor. He noted that only gradually did the law grope toward compulsory payments for the poor and went on to write that, "In the end their [members of parliament] public spirit forced

<sup>15</sup>A. L. Rowse, The England of Elizabeth (New York: The MacMillan Co., 1950), p. 351.

them to recognize its necessity, and perhaps their sense of efficiency in government."<sup>16</sup>

The questions asked by Jordan dictated to a large extent the choice of his methods; and his methodology was of no less interest than his conclusions.<sup>17</sup> His work on philanthropy is one of the most significant general studies of Tudor and Stuart social history which has been done recently. He carried on some of the lines of inquiry opened up by other writers such as Weber and Tawney but went on to provide a uniquely individual interpretation.

Jordan was primarily concerned with the aspirations of the Elizabethans. His objective was to trace the changing aspirations of English society as reflected in the benefactions of the age. To do this, he examined all the charitable bequests made in wills in the Prerogative Courts of Canterbury and York and in certain lesser ecclesiastical jurisdictions in a sample of ten counties including London during the period 1480-1660. He provided a mass of statistics and was methodical and analytical.

Jordan held that the problem of poverty was not any greater in the sixteenth century than it had ever been, but that new provisions were made for the poor largely because of the Protestant Ethic and in particular because of the gentry and urban merchants who were much more sensitive to the needs of the day.

<sup>16</sup>Ibid., p. 354.

<sup>17</sup>Fussner, Tudor History, p. 161.

It was his belief that the statutes of 1572 and 1597 were essentially emergency measures, that they were prudential, held in reserve for time of crisis and only meant to supplement private efforts. This was a startling departure from all previous views which held the laws were passed in order to remove the burden of caring for the poor from private charity.

Jordan had a significantly different interpretation from all earlier historians. He approached his study from the standpoint of what the gentry and wealthy merchants did for the poor rather than studying the problems of the poor. The only problems of the poor he dealt with were those with which sixteenth century philanthropy chose to deal.

Jordan dismissed enclosure as being of prime importance in the economic problems of the century, explaining that probably not more than 35,000 families were affected. He said it was only a myth that enclosure was a prime cause of poverty. He alone found the yeoman farmer to be a more important source of unemployment. He explained that these profit-minded men who farmed their own land employed landless labor which was in large part seasonal. According to Jordan, the proprietors of this class were throughout the sixteenth century the most efficient farmers in England, and rural unemployment followed in the train of their very efficiency.<sup>18</sup>

<sup>18</sup>W. K. Jordan, Philanthropy in England 1480-1660 (New York: Russell Sage Foundation, 1959), p. 63.

He concurred with Leonard's assessment of the effects of the depression of 1594-1597 and went on to stress that the government was compelled in the months of 1596-1597 to realize that there were many thousands of able-bodied and wholly responsible men in both rural and urban areas who were desperately anxious for work and for whom no work could be provided. Harsh, but persuasive reality had at last driven lines of separation and recognition among the several classes of poor --the genuinely unemployed, the impotent, and the vagabond.<sup>19</sup>

Jordan was even more concerned with the social aspects of poverty than with the economic situation. He stressed vagrancy was a major problem as early as 1520 and continued to be throughout the Tudor period and well into the Stuart reign. He, like other historians, held that vagrancy was widespread; unlike others, he also believed it was highly organized. This organization accounted for the great fear vagrants caused in all elements of society. He believed that vagrants and beggars were principally recruited from the agricultural displacements of the early sixteenth century but also from the general and persistent migratory movement from overpopulated rural areas to urban centers. He concluded, in a unique interpretation, that the vagrant class was to a large degree self-perpetuating and fairly well insulated from the rest of society.

Rowse offered quite a different view of urbanization. He believed strongly in the vitality of the Elizabethan Age. His emphasis

<sup>19</sup>Ibid., p. 93.

was on the growing strength of the towns and their efforts to remedy the problems of their own growth. He dealt very little with urban poverty, focusing instead on more positive aspects of urbanization.

Jordan most fully acknowledged the problems of urbanization and the new kind of poverty it spawned—workers dependent on specialized skills, cut off from the ever-sustaining resources of a rural parish and living at the mercy of employment subjected to periodic slumps or complete stagnation. Men of the Elizabethan day were somewhat pre-occupied with the rural poor and Jordan concluded that the Elizabethan poor laws were framed principally to help them rather than the urban poor.

Elizabethan England was still predominantly rural so although urban centers were growing by leaps and bounds, the rural areas were still the center of attention. Rural poor, because they stayed in their own parishes were somehow thought to be more deserving of poor relief than those who left the country to go to the cities. Another factor was the fact that most legislators were from rural areas and simply more familiar with rural problems.

Another aspect of poverty was the question of contemporary sensitivity toward it. The only writers in this study who addressed themselves to this facet were Rowse and Jordan. Both found that there was, indeed, an increased sensitivity of Elizabethans to the problem of poverty. Rowse believed that there was a general concern for the less fortunate on the part of the nobility and gentry and it was they who were responsible for legislation to relieve the poor. Jordan basically supported Rowse's thesis, but he held the concern was more

that of the gentry and wealthier merchants who "assumed an enormous measure of responsibility for the public welfare while rapidly and most effectively translating their ideals for society into a new philosophy of the state which we denominate liberalism."<sup>20</sup> He went on to say that there was no real increase in poverty but the conscience of society had been quickened. He stated,

The sixteenth century was deeply concerned with the problem of poverty; its literature and documents are filled with the question; its discussion of causes, of extent, and of<sup>21</sup> methods of action mount steadily as the century wears on.

Jordan also ascribed a deep concern about the spreading gulf between the classes to the whole society and felt this was a principal factor in evoking the great outpouring of charity which he held characterized the age.

The question of contemporary sensitivity leads to the question of motives. Exactly why were the Elizabethan poor laws passed? Jordan considered the Tudor desire for order to have been an obsessive preoccupation. He held the monarchs may have been concerned about the poor out of piety but mostly they were deeply persuaded that unrelied and uncontrolled poverty was the most fertile breeding ground for local disorders which might, by a kind of social contagion, flame across the whole realm.<sup>22</sup> Therefore, he saw the poor laws as arising from almost totally pragmatic thinking. According to Jordan, the

<sup>20</sup>Ibid., p. 18.

<sup>21</sup>Ibid., p. 57.

<sup>22</sup>Ibid., p. 78.



Tudors viewed charity as necessary part of public policy rather than as a requirement for Christian morality.

Jordan further held that the whole weight of Elizabeth's policy was secular, thus the pressing problem of poverty was logically transferred from the sphere of religion to that of a secular social policy and by the close of the century, officially came to be declared the responsibility of the whole body politic.<sup>23</sup> He interpreted secularization as having an indirect effect on the passage of the poor laws because he saw the emphasis, even in secularization, still placed on private charity. The state wanted the poor taken care of, and relied largely on the merchants and gentry without questioning motives. Thus, he saw secularization less of a motive in national legislation.

As in most other areas, Jordan's view of the changing concept of medieval alms was radically different from that of other historians. He agreed that the concept of alms changed. He also agreed that the giving of alms had helped alleviate some of the poverty of that time but was simply inadequate to meet all the needs. He believed that men of the Middle Ages gave alms as an act of piety while the men of the sixteenth century gave (and much more generously, he thought) under the dictate of social need. Thus, Jordan held that the poor laws were passed only as an emergency measure and the changing concept of alms was at the most an indirect motive.

In his interpretation of the effect of the Reformation on the passage of the poor laws, Jordan concentrated mainly on the theoretical

<sup>23</sup>Ibid., p. 148.

differences between Catholicism and Protestantism. In his concern for private charity Jordan contended that Protestantism with its emphasis upon active religion promoted the need for organized, widespread poor relief. He believed that the Protestant view that men were rich because of God's favor was held with a particular tenacity by the merchants and gentry who also had a habit of substantial charity.

A powerful tradition of charitable responsibility had gathered strength within these two rich and aggressive classes which resulted in a golden stream of wealth that spread its way through the many channels of need opened during this remarkable period.<sup>24</sup>

Thus, although Jordan put his emphasis upon the private sector, he concurred that the Reformation did have a positive effect in bringing about the poor law legislation.

A discussion of the Reformation as a possible motive for the passage of the poor laws also involves a consideration of the Protestant Ethic. Although some historians deny there is a Protestant Ethic, Jordan did think that there definitely was an Ethic and that it did have an effect on the Elizabethan poor laws. Jordan ascribed the philanthropic impulse of the sixteenth century largely to the Protestant Ethic. He held that poverty was systematically attacked for the first time in the Tudor period because of a new feeling of social responsibility.

Protestant charity, it was held, was characterized by modesty and by the effective concentration of resources on pressing areas of human need, as contrasted with the vain glory and the great, but empty monuments of the Catholic past.<sup>25</sup>

<sup>24</sup>Ibid., p. 153.

<sup>25</sup>Ibid., p. 233.

He noted that not only did private charity concern itself with outright poor relief but also such activities such as establishing schools, providing marriage subsidies for "poor but respectable" young women, and giving to hospitals. There was a steady growth in the concern for those imprisoned for debt. Most significantly, Jordan noted that funds were established from which respectable poor men or young men just completing their apprenticeships could borrow capital to begin their callings as tradesmen, artisans, or merchants. Jordan supported the thesis that the Protestant Ethic was a motive for the Elizabethan poor law.

National pride as a motive was dealt with directly only by Jordan. Historians such as Nicholls, Froude, and Trevelyan, with their emphasis on the superiority of anything English, could be said to imply indirectly that nationalism was a factor. Jordan saw nationalism as a definite motive. He claimed that the donors of the Elizabethan period were very human in the sense of giving in order to put the "enemy" to shame. Jordan explained the enemy as being "Romanists on the Continent."

Jordan's concern for the formulation of the poor laws was mainly just to show how legislation was passed only to supplement private charity.

Jordan did not deal with very early Tudor efforts but he did devote some space to the act of 1572 which he regarded as a codification of earlier legislation. He explained that the act defined a vagrant as any able-bodied man who could not explain the source of his income and who refused to accept employment. Thus, there was a

distinction made from the "true poor." The act also formally established the office of overseer of the poor in each parish. Jordan called the act of 1576 supplemental legislation. He explained that it ordered stocks of raw materials, wool, flax, and the like to be maintained in every city, borough, and market town on which vagrants could be compelled to work and young people trained in useful and gainful skills. It also ordered the erection of houses of correction in each county for the reception and reform of the truly idle incorrigible vagabonds who were simply to be compelled to submit to forced labor under possible pain of felony. Jordan concluded,

It may be said, then, that after 1572 England possessed a reasonably comprehensive and possibly a workable statutory provision for a national system of poor relief, but there is no evidence that the plan was given extensive or significant trial.<sup>26</sup>

Jordan, like the Webbs, believed Parliament was most anxious to get to the problem of poverty when it convened in the fall of 1597 but he did not attribute the eagerness to the prodding by the Privy Council. He held the legislators themselves had come to see the evils of poverty and were determined to root it out and destroy it. In all, eleven bills were introduced which dealt specifically with poor relief. Jordan noted that two connected statutes concerning agrarian change and dislocation were intended to freeze the agrarian economy as it had existed at the beginning of the century. Although sharp questions were raised regarding the efficacy of this legislation, Jordan observed, "It was passed by men against whose own self-interest its

<sup>26</sup>Ibid., p. 59.

prescription ran, surely with full knowledge that it was unenforceable."<sup>27</sup>

He moved on to other provisions and found little that he considered really novel or unique. The statute of 1597 did clearly delineate the nature of responsibility for the unemployed and the unemployable poor. It also provided a tax structure and system of local administration. Jordan maintained, though, that Parliament never intended the law to be anything more than an emergency provision, preferring to rely on private charity for the burden of poor relief.

Jordan, like Ramsey, held that the poor law was only intended as an emergency supplemental measure. For this reason he held the statute was probably purposefully vague in establishing a method of administration. According to him the acts of 1597-1601 opened up an almost wholly uncharted area of local taxation and Parliament was most reluctant to go any further than absolutely necessary. He further stated that the statute was imprecise with respect to both the administration and assessment of taxation.

He held the main result of the passage of the Elizabethan poor laws was a notable increase in the flow of private funds designed to provide relief for the truly poor.

The state stood poised for intervention after 1597, if the need should arise, but because of the prodigal generosity of private men who had assumed for themselves an heroic burden of social responsibility that intervention was in fact to be long delayed; delayed, it is fair to say, in its ultimately complete sense, until our own century.<sup>28</sup>

<sup>27</sup>Ibid., p. 96.

<sup>28</sup>Ibid., p. 127.

It was Jordan's contention that the Elizabethan poor law was regarded as prudential by the government which enacted them and by later governments as well, except for a determined effort by the Privy Council to implement this great legislation just prior to the outbreak of the Civil War. The law stood ready to be enforced in the event of a great national emergency but was never brought to fully bear on the social needs of the period because, "The immense flow of private charitable funds dedicated to the succour of the poor was, save for local and emergency exception, almost sufficient to meet the basic needs as the age understood and defined them."<sup>29</sup>

<sup>29</sup>Ibid., p. 139.

## CHAPTER VI

### CONCLUSION

How have interpretations of the Elizabethan poor laws changed over the last hundred years? What are the basic differences in treatments and why did they occur? The interpretations of the major historians who dealt with the poor laws have been examined in order to answer these questions.

There have been significant differences in interpretation of the poor laws. Nineteenth century Whig historians such as James A. Froude, George Nicholls, and Ribton-Turner saw the poor laws as an inevitable part of the continued constitutional development. They were concerned with the successive steps by which the legislature established its charge upon property for the relief of the poor and with the recognition of the right to relief by the poor. Because they tended to cut through complex issues and concentrate on likenesses and the continued fortunate constitutional progress, Whig historians offered interpretations that were simplistic and moralistic. Their facts were accurate and their biases clear. Although they were quick to apply nineteenth century values to sixteenth century men, they were concerned with humanity above all. They were trying to make history answer their questions, decide crucial issues and give the historian a key to understanding his own world. Thus their interpretations of the Elizabethan poor laws emphasized legal continuity, the wisdom and

humanity of those who framed and passed the laws and the success which the laws found.

Legal historians were mainly concerned with the formulation of the law and the machinery that was provided for its administration. Their interpretations focused on the law itself and its position in the legal system as a whole. William Holdsworth was especially concerned with the relationship between economic and legal history and he interpreted the Elizabethan poor laws as a necessary and obvious consequence of the commercial and social policy of the state. G. R. Elton's interpretation centered upon the administrative history. He saw the importance of the poor laws to the use of local officials for administration and in the adaptation of the ecclesiastical parish as a secular unit of local government. Because of their overriding concern for the law itself, legal historians limited their interpretations to the law without going very deeply into economic or social factors of poverty. Nor did they try to evaluate its success or failure.

As the economic interpretation came into prominence, emphases changed. Economic historians like Ashley, Tawney, and Ramsey examined the factors behind the law much more closely than Whig historians had. They were less concerned with the continuity of English law than with the economic factors which they believed led to the passage of the law. Thus, their interpretations centered upon discussions of the significance of such topics as enclosure, inflation, urbanization, and vagrancy. They were searching for causes behind the law and only secondarily for its effects. Their interpretations reflect this.



The economic historians purported to trace certain strands of thought on both economic and social questions during a period in which England began its emergence from the medieval to modern world. Their interpretations tended to emphasize causal relationships between economic and social crises. They held that the statesmen who passed the poor laws were influenced by pragmatic reasons of expediency. The laws were passed, according to them, because the economy and social structures were changing so rapidly as to threaten the whole society. Thus it was a matter of economic expediency rather than pure humanitarianism that led to the Elizabethan poor laws.

Economic historians used the same basic facts as the Whigs and legal historians but they came to very different conclusions. Recent economic historians have made wide use of statistics but the reader must be wary of misinterpretations which arise from excessive reliance on such figures. As with the Whigs, the basic biases of economic historians are fairly clear to the reader. The interpretations of economic historians were different from those of Whigs and legal historians. Social historians offered still different views.

The term social historian is itself vague and covers a wide range of historical interests. Early twentieth-century social historians like E. M. Leonard, B. Kirkman Gray, and George M. Trevelyan offered interpretations of the Elizabethan poor laws designed to explore the structural relationship between social classes. Leonard, in particular, credited the law-abiding characteristics of the nation and the absence of violent changes in the political constitution at

least partly to the regular relief which was granted under the English poor law.<sup>1</sup>

*George Adams*

Sidney and Beatrice Webb, also early twentieth century social historians, were concerned with many of the same issues as their contemporaries but they were advocates of a "practical" history which would have a direct bearing on current affairs. Thus, they set about analyzing the poor laws in such a way as to show the growth of education, public health, and other activities of the state which were aimed at the prevention of the various types of destitution from which pauperism arose. Then they made a fully-documented evaluation examining which measures worked and why. They wanted to use their findings to help reform conditions in their own times.

Social history became more sophisticated, better defined, and more widely accepted as an historical pursuit in the 1940's and 1950's. Again, the interpretations offered by these historians differed from those who went before them. W. K. Jordan offered one of the most significant studies of the Elizabethan poor laws recently done. His interpretations centered on private philanthropical efforts. He contended that the poor laws were never intended to be put into general use but only provide emergency relief in times of commercial crises. Private charity, according to Jordan, saved England from social disaster and became an essential part of public policy. He used a massive amount of statistics. While he has come under fire by some for his

<sup>1</sup> Leonard, History of English Poor Relief, p. 304.

loose use of figures, he does offer an original, well-documented thesis. By stressing the role of ideas and changes in the climate of opinion, Jordan aligns himself on the side of those who have argued in favor of independent intellectual traditions.

*best cond:* Social historians were no less accurate in their interpretations than other historians but their purposes were more varied and their biases often more subtle. Except for Jordan, the social historians in the study were very sympathetic to the Elizabethan poor. They were much more ready than Whigs or legal historians, for example, to think of the poor as individuals rather than simply a faceless mass with which the state was compelled to deal. Although Jordan wrote about philanthropy, he was far more concerned with the donors than the recipients. Thus, his interpretation reveals less about the structure of the relationship between classes but a great deal about the rising class of gentry and wealthy merchants who, according to Jordan, reflected the changing aspirations of English society in their benefactions.

In conclusion, it can be said that interpretations of the Elizabethan poor laws have changed considerably over the last one hundred years. It has not been a matter of "better" interpretations replacing less adequate theories, but a matter of ideas differing. Whig historians provided an excellent view of the poor laws as they related to the continued constitutional development but those historians also oversimplified and often left out facts which did not fit in with their overall theory. Legal historians provided an in-depth explanation of the laws—how they worked and why. But those historians did

not question or try to understand the conditions which called for the poor laws nor did they examine how effective the laws were. Neither interpretation is "wrong;" neither is "right." They are simply different and both valuable because of it.

The study of the Elizabethan poor laws is, in part, a study of the relations between society, the state, and the individual. Many aspects of that relationship are still obscure. The historical interpretations provided thus far have given much insight and undoubtedly historians in the future will continue to be intrigued by that relationship. That will take a certain flexibility. As Butterfield has said,

A little history may make people mentally rigid. Only if we go on learning more and more of it—go on "unlearning it—will it correct its own deficiencies gradually and help us to reach the required elasticity of mind.<sup>2</sup>

<sup>2</sup>Butterfield, History and Human Relations, p. 181.

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## APPENDIX

### Selected Tudor Statutes Relating to Poor Laws

- 1495 11 Henry VII. c. 2. Against vagabonds and beggars (Repealed as to vagabonds 39 Elizabeth. c. 4; altogether repealed 21 James I. c. 28)
- 1511- 3 Henry. VIII. c. 9. Mummers or disguised persons to be arrested as suspects or vagabonds and committed to gaol. (Repealed 1512 Stat. Law Rev. Act, 1863)
- 1530- 22 Henry. VIII. c. 12. Punishment of beggars and vagabonds  
1531 (Explained and amended 27 Henry. VIII, repealed by 1 Edw. VI. c. 3; revived and amended 3 and 4 Edw. VI. c. 16. That Act confirmed 5 and 6 Edw. VI c. 2 and 5 Eliz. c. 3. Repealed by 14 Eliz. c. 5 and finally by 21 James I. c. 28)
- 1535- 27 Henry VIII. c. 25. Punishment of sturdy vagabonds and beg-  
1536 gars, to continue to end of next Parliament. (Repealed Stat. Law Rev. Act, 1863)
- 1535- 27 Henry VIII. c. 28. To dissolve all religious houses under  
1536 the yearly revenue of two hundred pounds.
- 1539 31 Henry VIII. c. 13. To dissolve monasteries and abbeys.
- 1547 1 Edward VI. c. 3. For the punishment of vagabonds, and for the relief of the poor and impotent persons, to continue to the end of next Parliament. (Repeals 22 Hen. VIII. c. 12. Repealed Stat. Law Rev. Act, 1863)
- 1549- 3 & 4 Edward VI. c. 16. For the punishment of vagabonds and  
1550 other idle persons. Revives and amends 22 Hen. VIII. c. 12. (Repealed 21 James I. c. 28)
- 1551- 5 & 6 Edward VI. c. 2. To confirm 22 Hen. VIII. c. 12 and 3 & 4  
1552 Edw. VI. c. 16 and to appoint collectors of alms. (Repealed Stat. Law Rev. Act, 1863)
- 1551- 5 & 6 Edward VI. c. 21. Against tinkers, peddlars, and such-  
1552 like vagrant persons. (Repealed 1 James I. c. 25)



- 1562- 5 Elizabeth. c. 3. To confirm and amend 22 Hen. VIII. c. 12, and  
1563 3 & 4 Edw. VI. c. 16. To continue until the end of the first  
session of the next parliament. (Repealed 14 Eliz. c. 5)
- 1562- 5 Elizabeth. c. 20. For the punishment of vagabonds calling  
1563 themselves Egyptians. (Repealed 23 Geo. III. c. 51)
- 1572 14 Elizabeth. c. 5. For the punishment of vagabonds and for the  
relief of the poor and impotent. To continue for seven years  
and thence to the end of the next Parliament. Much of this  
act concerns gaoling, boring through the ear and death of vaga-  
bonds. (Repeals 22 Hen. VIII. c. 12, 3 & 4 Edw. VI.; 5 Eliz.  
c. 3. Repealed 35 Eliz. c. 7. and 39 Eliz. c. 4.)
- 1575- 18 Elizabeth. c. 3. For the setting of the poor on work and for  
1576 the avoiding of idleness. To continue for seven years and  
thence to the end of the Parliament. (Gaoling, boring through  
the ear and death of vagabonds repealed by 35 Eliz. c. 7, and  
remainder by Stat. Law Rev. Act, 1863.)
- 1593- 35 Elizabeth. c. 7. Penalties of imprisonment of vagabonds  
1594 under statutes 14 Eliz. c. 5 and 18 Eliz. c. 3 repealed. Pun-  
ishment of vagabonds by whipping under 22 Hen. VIII. c. 12  
revived. (Repealed Stat. Law Rev. Act, 1863.)
- 1597- 39 Elizabeth. c. 3. Of the office and duty of overseers of the  
1598 poor. (Repealed Stat. Law Rev. Act, 1863.)
- 1597- 39 Elizabeth. c. 4. For the punishment of rogues, vagabonds,  
1598 and sturdy beggars. To continue to the end of the first session  
of the next Parliament. (Repeals 11 Hen. VIII. c. 2 as to  
vagabonds. Continued by several Acts and last by 16 Chas. I.  
c. 5, but repealed by Stat. 13 Anne. c. 26.)
- 1597- 39 Elizabeth. c. 17. Against lewd and wandering persons pre-  
1598 tending themselves to be soldiers and mariners. To continue  
until the end of the next Parliament. (Continued by several  
Acts, and last by 16 Chas. I. c. 5, but repealed by 52 Geo. III.  
c. 31, and by 6 Geo. IV. c. 50.)
- 1601 43 Elizabeth. c. 2. For the relief of the poor. To continue  
until the end of the next Parliament.
- 1601 43 Elizabeth. c. 3. Soldiers and mariners taken begging to be  
punished as rogues and vagabonds. (Repealed Stat. Law Rev.  
Act, 1863.)

## TABLE OF GRAIN PRICES

1583-1598<sup>1</sup>

Average price per quarter (Sept. to Sept.)	WHEAT	BARLEY	RYE
1583-92	23s 8 $\frac{1}{2}$ d	12s 10 $\frac{1}{2}$ d	17s 2 $\frac{1}{2}$ d
1594-95	37s 7 $\frac{1}{2}$ d	16s	32s
1595-96	40s 9 $\frac{1}{2}$ d	21s 4d	34s 2 $\frac{1}{2}$ d
1596-97	56s 6 $\frac{1}{2}$ d		52s 9 $\frac{1}{2}$ d
1597-98	52s 4 $\frac{1}{2}$ d	25s 5 $\frac{1}{2}$ d	36s

<sup>1</sup> Leonard, History of Poor Relief, p. 119.