

# The 43rd Elizabethan poor law

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The 43rd Elizabethan poor law (or the Act for the Relief of the Poor) codified the process of substitution of the middle ages welfare practices with the centralized system of both compulsory poor relief taxes and equally compulsory labour for the 'idle poor' (Oxley 1974).

However, exact reasons for the law's enactment, as well as its would-be consequences, have been a focus of intense debate for modern historians (Slack 1990). This paper deals with the problem by arguing that the 43rd Elizabethan poor law was adopted in the atmosphere of social dislocation brought about by the development of agrarian capitalism (Patriquin 2007) and that its main focus was to ensure social control over 'inferior' classes in the circumstances of the breakdown of traditional compensatory measures. Structural Causes of Elizabethan Poor Legislation Slack (1990) distinguishes between three main explanations for the development of a centralized poor relief system as instituted by the 1601 law. These are economic interpretation (i. e. the law's introduction and implementation was necessitated by economic and demographic factors), a 'public attitudes' version (i.

e. the 16th century moral and ideological attitude change resulting from the spread of humanism and/or Reformation contributed to greater attention to the problem of poverty), and, finally, legal-political interpretation to which Slack subscribes himself. According to Slack (1990), the growth in powers of the early modern English government enabled it to institute a more efficient and controllable system of poor relief provision, all the while as the social circumstances of the late 16th and early 17th century in England were supposedly not much different from those in the Continent (Slack 1990, pp.

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57-58). While the ground for the 1601 legal framework had been already prepared under Henry VIII and Edward VI, as well as in the course of the previous period of Elizabeth I's reign, it was only in 1601 that parish authorities were charged with the duties of compulsory rating and putting 'able-bodied poor' to work by the explicit will of the central government (Slack 1990, p.

18). Thus, the adoption of the 43rd Elizabethan law was tied to pragmatic concerns of the Crown and its ability to use respective instruments to enforce its will thereon. However, this line of argument came under increasing criticism from researchers of the development of agrarian capitalism in Tudor England. In particular, Patriquin (2007) purports to show that the 1601 legislation was merely a seamless continuation of the 16th century policies aimed at overcoming the social crisis caused by the disruption of traditional manorial economy. In his opinion, the introduction of permanent poor rate tax had little to do with neither Reformation (including the 1536-1540 dissolution of the monasteries), nor with the development of the early English absolutism, for the similar development in France and Spanish Netherlands did not lead to any comparable policy initiatives (Patriquin 2007, pp.

85-95). This argument seems to be augmented by S. Webb & B. Webb's (1963/1904) findings that the majority of the monasteries, dissolved in the 1530s, did not engage in any noticeable poor relief effort in their place, so that the closing of their almshouses and hospitals had a generally negligible impact on the English system of welfare provision (S. Webb & B. Webb 1963 [1904], pp.

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18-19). Furthermore, Patriquin (2007) argues that an ideology of Reformation had little to do with the development of distinction between 'deserving' and 'undeserving' poor, with the latter being viewed as idle and in need to be compelled to work. This claim may be supported by the evidence of the pre-Reformation theological disputations, as well as by the mid and late 16th century categorization of the poor, which had little to do with the Reformed ideology. In particular, the 1553 list of criteria for cataloguing different cases of poverty, developed by the City of London burgesses, indicated that the main factor underlying the compilers' thinking was economic, not moral or religious (S. Webb & B. Webb 1963 [1904], p. 49). Finally, the bio-political perspective needs to be considered in the light of recent emphasis on the connection between growing social controls exercised by the nascent modern state and the marginalization of social classes and strata deemed 'dangerous'. In particular, Dean (1991) emphasizes that Elizabethan poor legislation was aimed at controlling the "status of those within its purview...

[and] suppressing unsavoury and mysterious activities and modes of life" (1991, p. 61). Together with Patriquin's (2007) and Fideler's (2005) emphasis on the growing awareness among the ruling social elites on the potential risks of the impending social disruption, such paradigm would enable us to better understand the reasons behind the development of the early 1601 poor relief laws. Immediate Causes of the 1601 Act for the Relief of the Poor While the theoretical framework referred to above would assist in placing the 1601 legislation within the larger social setting of early modern England, it is necessary to deal with the specific reasons for its implementation. Following <https://assignbuster.com/the-43rd-elizabethan-poor-law/>

Hindle (2004), one may refer to the ominous references in Robert Cecil's 1601 speech before the MPs on the dangers posed by increasing numbers of vagrant persons expelled from their own homes (2004, p.

303). In 1590s, the number of enclosures and instances of engrossing increased rapidly, often leading to occurrences of food riots and forcible entries of landless tenants into enclosed estates (Greaves 1981, pp. 638-640). The situation was especially intense in the North and the Midlands, where the economic depopulation and rapid increase in enclosures frequently leading to peasant disturbances, with the 1596 Oxfordshire Rising being the most serious (Walter 1985). The 1597-1598 Parliament was dominated by increasing concerns for enclosure and poverty issues, with one of the MPs declaring that, "the eyes of the poor are upon this Parliament" (Fideler 2005, p. 99).

The perspective of greater social ramifications of enclosure activities by the landowning class may have motivated Elizabethan government to finalize the previously unsystematic and frequently breached poor relief provisions, in order to prevent the discontent of socially vulnerable strata of peasantry and artisan class, at the same time drawing a sharp line between these "labouring poor" and the socially dangerous "vagabonds and rogues" (Patriquin 2007). This may be construed as a clever divisive step aimed at preventing the formation of any kind of anti-establishment coalition between various groups of subordinate population. Conclusion The 1601 poor relief legislation served both to ameliorate the immediate circumstances of the working poor and to institute harsher social control regime over 'inferior' classes and strata of the English populace. By establishing an efficient

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mechanism of social compensation and wealth redistribution, it has formed a basis for the first ' modern' welfare system, successfully neutralizing the subversive potential of the destitute former tenants and artisans impoverished in the course of nascent capitalist development.