Enclosures, Rebellion, and the Commonwealth Men, 1536-1549

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ENCLOSURES, REBELLIONS, AND THE
COMMONWEALTH MEN, 1536–1549

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I. INTRODUCTION

The Tudor period of English history is recorded as a time of tremendous social change and dislocation. The population was just then returning to the level it had reached in the fourteenth century before a series of plagues reduced the population by half between 1348 and 1379. The first half of the sixteenth century saw such rapid population growth, in fact, that agricultural production failed to keep pace, resulting in serious, sustained inflation by the 1540s. Inflation was symptomatic of a general transformation of the economy from a feudal to a commercial base. England's strength in the emerging international economy lay in the wool trade. But the pasturage required for large sheep herds was not fully compatible with the pattern of small-scale farming that was prevalent. New opportunities for accumulating wealth precipitated changes in land tenure through such practices as rackrenting and appovements that had the effect of uprooting the peasantry in many localities. Customary rights and obligations were disrupted by the redefinition of legal and political relationships. The enclosure of land became a symbol of everything people feared about these changes in status and occupation.

In retrospect, it is evident that sixteenth century England was undergoing the early stages of a process of modernization that characterizes many developing societies even today. Although the changes did not take place all at once, they were noticeable and consequently stirred considerable resistance. Land titles were disputed. New courts, such as the Star
Chamber and the Requests, were used to service these controversies and help adjust shifting power relationships. Similar adjustments stirred the upper echelons of the political establishment. The nobility found itself in a position of declining influence and independence. The fortunes of some of the gentry and the merchants were rising. The star of a strong monarchy was also rising. Henry VIII cemented his dynastic power and laid the foundation for the mercantilist policies of Elizabeth and the Stuarts by centralizing financial and political administration. The bureaucracy became a new avenue for the upwardly mobile to exercise influence, signifying an important step toward modernization while, at the same time, preserving much of the familiar hierarchy. Henry's concentration of temporal and spiritual power in his person made it possible for him to identify his fortunes with those of the nation. The Protestant reformation and the Separation broke the traditional hegemony of the Catholic church and, with it, the semblance of an international community of faith. Increasingly, the nation became the focus of men's dreams of a commonwealth and divisive passions could be directed outward against foreign enemies. Nationalism became the basis of an international system based on imperial competition.

The reality, however, fell far short of the ideal of commonwealth. The disruption of traditional patterns of rural life was punctuated by outbreaks of violence in places far from the court at London. Local traditions were not easily uprooted and particular grievances were often made to stand for a vanishing way of life. Among these grievances were changes
in the mass, the dissolution of the monasteries and chantries, and the enclosure of common lands. The enclosure issue was especially representative or symbolic of the rifts in the social fabric. It was often accomplished through a legal literalism which had formerly been moderated by custom. Indeed, the issue was so sensitive that enclosure had, by this time, already been the subject of legislation (rarely enforced), royal proclamations, investigative commissions, lawsuits, and popular ballads. Enclosure was listed as one of the grievances in rebel manifestoes from the years 1536 and 1549. The issue even divided the political establishment. Henry VIII ordered enclosures destroyed in 1526 and 1529. The Duke of Somerset fell from power largely because of his handling of this issue. For a group of prominent clergymen and politicians known as the commonwealth men, enclosure was a grievous example of injustice arising from the greed of men. Enclosure, rebellion, and the idea of commonwealth may be fruitfully examined in their interplay in social life as manifestations of the reaction of traditional men to an emerging new social order. These three themes shall be examined separately and together in order to reflect the events and circumstances they represent.

II. ENCLOSURES

What were these enclosures that were stirring such controversy? Several types of enclosure must be distinguished in answering this question. The Commons Act of 1236 granted landowners the right to enclose wastelands, known as the right of approvement. This meant that such land could be removed from the common of pasture. This right, however, did not extend to common of piscary
(fishing privileges), turbary (the right to cut turf or peat), and estovers (the right to certain necessaries, such as wood and timber). A growing demand for woollen cloth exports favored an increase in sheep holdings. Small farms were engrossed. Rents were raised. When rent approached the annual value of the property, it was known as rack renting. Entry fines were often raised so high that many farmers faced dispossession, or else peonage if they paid. Freeholders were fairly well protected. Eric Kerridge noted that "security of tenure was firmly established in law and equity." But serious problems did occur in many parts of the country, the most publicized of which were concentrated in the Midlands. The greatest outcry was directed at the enclosure of glebelands (arable land) for sheep grazing, but private game parks were also denounced.

Patterns of enclosure varied. Hedges, fences, and ditches were the most typical physical boundaries. Some enclosure, however, was generally accepted. Kerridge distinguished between four means of enclosure in order to balance the traditional negative picture of the practice. In the order of their severity, the four means of enclosure were by custom, by unity of possession, by composition, or by commission. The first two means lacked an element of agreement. The custom of the manor often allowed the enclosure of estovers and turbary, although enough waste was supposed to be left to meet the requirements of the commoners. Tenants had recourse to equity when the lord enclosed the wastes of the manor, but their legal claim depended on the existence of an original lease, which was oftentimes conveniently lost.
Farmers who lacked an estate, or interest, in the land (tenants at will) could be evicted once their lease expired. This allowed the landowner to enclose by unity of possession. "Unity of possession was occasionally brought about also by the engrossment of estates through purchase or similar acquisition."

Enclosure, however, was more typically a result of agreement. Composition was a two-party agreement which was often accompanied by exchanges of land and the transfer of specified rights from one tract to another. An alternative to composition, which was endorsed by the experts, was enclosure by commission in which a disinterested third party was commissioned to supervise the division and award of tracts of common fields or wastes.

It was the open-field farmers, the customary tenants, who suffered the most from enclosures. They based their claim on the existence of a copy of the court roll for the manor. These copyholders, along with tenants at will and leaseholders in general, faced the greatest risk of dispossession, uprooting them from land, stripping them from common rights, and possibly forcing them into beggary. Historians dispute the degree to which such enclosure was practiced, with the socialist Tawney taking one side and Kerridge taking another, but history books record many laments and protests. Such enclosure, for example offended Sir Thomas More's ideal of the commonwealth:

For look in what parts of the realm doth grow the finest and therefore dearest wool, there noblemen and gentlemen, yea and certain abbots, ... yea much annoying the weal public, leave no ground for tillage, they inclose all in pastures; they throw down houses; they pluck down towns, and leave nothing standing, but only the church to make of it a sheephouse.
More's metaphors are biblical. Instead of the good shepherd tending his flocks, More's sheep and shepherds are out of character. The sheep have run wild and consume the land. The shepherds lead this plague of sheep:

And as though you lost no small quantity of ground by forests, chaces, lawns, and parks, those good holy men turn all dwelling-places and all glebeland into desolation and wilderness. Therefore that one covetous and insatiable cormorant and very plague of his native country may compass about and inclose many thousand acres of ground together within one pale or hedge.

The analogy may be with the "abomination of desolation" or money-changing in the Temple, but it leaves the impression of sacrilege. More clearly had an affinity with the prophetic tradition in Christianity. This tradition was carried on in the protests of the commonwealth men a generation later and, still later, in the Putney debates and the efforts of 19th century reformers to abolish slavery, extend the franchise, and guarantee humane treatment for prisoners, orphans, and paupers. Some scholars trace modern social welfare legislation back to the Tudor Poor Laws, which attempted to remedy some of the underlying causes of poverty and vagrancy. More's polemic was, in fact, addressed to the root causes of stealing.

Legislation to regulate or prohibit enclosure already had a long history by the Tudor period. Two statutes of approvement, one passed at Merton in 1235 and the other known as Westminster II (1285), provided some safeguards against abuse while recognizing the customary right of the landlords to enclose portions of the waste. The 1285 statute fixed punishments for destroying ditches and hedges, and provided remedy against usurpation of the common. Henry VII's parliament began the series of Tudor
legislation aimed at engrossing, enclosing, and depopulation.
The Act of 1489 was for the maintenance of tillage and the prevention of depopulation. Two acts were passed in quick succession in the fifth and sixth years of Henry VIII's reign.
The second "Act avoiding pulling down of Towns" was very succinct:

> Whosoever suffereth any Town, Hamlet, or House of Husbandry to decay, or doth convert Tillage into Pasture, the Lord of the Fee shall have the Moiety of the Offender's Land, til the Offence be reformed.\(^4\)

Evidently this legislation was not very effective because two years later, in 1517, Wolsey initiated a commission of inquiry into enclosure, and another the following year. The findings are a source of continued debate, because they did not disclose any considerable degree of enclosure during the thirty years that were examined.\(^15\) Much of the problem appears to have been due to speculation, in which merchant adventurers or tradesmen would engross several farms, although they would be unable to maintain tillage in all of them.

Henry VIII occasionally issued proclamations to enforce existing legislation, noting his great displeasure at "a few covetous persons" (1514), issuing summonses to the Chancery (1526), or ordering the destruction of enclosures (1526 and 1529).\(^17\) An Act of 1534 restricted sheep holdings to 2000 and specified that a penalty of three shillings, four pence per sheep would be imposed on any excess.

Finally, Edward VI appointed another commission, headed by John Hales, to investigate enclosures, but this was a small-scale effort which failed to yield clear information. Additional legislation was passed and numerous commissions were sent during subsequent reigns, but the picture is one of rearguard actions
against a powerful economic demand. Parliamentary statutes, appeals by the Crown, and actions at law had a negligible impact on a phenomenon that was confined, in its worst excesses, to a few regions. Although enclosure took many forms and was put to many uses, such as sheep grazing, cattle keeping, and creating parks for deer, it was sheep raising that was singled out as the culprit for the depopulation of farming areas. Few villages were completely depopulated but the dispossession of even a few families disrupted village life, as illustrated by a recent film about peasant life in nineteenth century Italy, entitled *The Tree of Wooden Clogs*. The human factor and felt injustices roused pity in thoughtful people. But sheep raising was a vital part of the national economy and severe restrictions could not have succeeded. A sheep tax introduced in 1549 provoked such determined opposition that it was repealed the following year.

The statistical data concerning enclosures is questionable and scholars have drawn diverse conclusions about the impact of enclosures on peasant life. Of concern here, however, is the reaction of the spokesmen of the times to the issue. Some men chose to speak with the sword; others with the pen. Let us begin with the rebels.

II. REBELLION

Uprisings were a fact of life throughout the Tudor era as they have been with almost any time. But rebellion, like treason, is a loaded word. Many rebels were unwilling to accept that appellation as a definition of their actions. First Amendment guarantees of free speech, free assembly, and petition for grievances had no place in English law at that
time. These present day rights owe their existence and character to subsequent revolutions. But in the time of Henry VIII one was not even at liberty to think treason. Few avenues for meaningful protest were open. A state monopoly on printing made prior restraint the rule. The line that separated legitimate protest from sedition was invisible. Accounts of various rebellions indicate that they began cautiously and irresolutely as those who wanted redress for injuries painfully weighed the consequences of even giving the appearance of rebellion. Many of them must have felt the noose tighten once the die had been cast. No wonder many rebel leaders, like Robert Aske, refused to accept that their actions were rebellious and protested their loyalty to the king. Certain common values were acknowledged by rebels and loyalists alike, but the right of revolution was not one of them.

One key concept was the Great Chain of Being, which was Greek in origin but which had been imported into Christian writings, as well. This idea, a direct lineal ancestor of later speculations about evolution during the Enlightenment, established the subordination of commoners to the lords, lords to the king, and the king to God. The social order was legitimized by God's creation and His laws. The king was His temporal representative on earth. Each person was bound by allegiance to his lord and this commonality represented a commonwealth. Henry VIII asserted his sovereign authority when he declared England to be an empire.

The proper attitude toward one's superior was deference and obedience. This was another key concept. Rebellion was the very antithesis of obedience and was, ultimately, rebellion against God.
Even those who acknowledged the seriousness of rebel grievances, like Hugh Latimer and John Cheke, were shocked at such lawless actions. Obedience of a Christian Man was the title of one of Tyndale's works. This man who was burnt as a heretic preached the virtue of absolute obedience to the prince, which was balanced by the prince's responsibility to God and man.

Nevertheless, offenses came and woe befell those through whom they came. The first rising, the Pilgrimage of Grace, was more religious in character. The second rising, Kett's Rebellion, was inspired by more practical economic considerations. But religious and economic motives played a significant role in both events. An examination of these motives together may help illuminate each.

The role of Robert Aske in the Pilgrimage of Grace is worthy of special attention. Aske's examination in the Tower of London three months before he was executed has fortunately been preserved in great detail. Aske was a successful lawyer who took charge as the chief captain and spokesman for what he termed "thys pylumage." He was apparently responsible for maintaining its peaceful and religious character. At a meeting at Doncaster in December, Aske presented a list of twenty-four demands, the thirteenth of which read:

The statute for inclosures and intacks to be put in execution, and all inclosures and intacks since 4 Hen. VII., to be pulled down "except mountains, forests, and parks." 20

The act to which Aske referred did not specifically mention enclosures or intakes and was, according to Joan Thirsk, a muddled piece of legislation. Nevertheless, the subject of enclosures and intakes is mentioned prominently in the records.
concerning the rebellion. Henry's instructions to the Duke of Norfolk, for example, emphasized this issue:

One ground of the late rebellion was that certain lords and gentlemen have enclosed commons and taken intolerably excessive fines. The Duke is to receive complaints touching this, inquire who have been the most extreme, and moderate between them, so that gentlemen and yeoman "may live together as they be join[ed] in one body politic" under the king.23

The dissolution of the monasteries, however, was perhaps an even more immediate cause of the uprising. It began with an inventory of churches' goods at Tadcaster and a rumor that several parishes would be thrown into one. According to the confession of William Stapleton,

it was said that after taking the inventory the goods should be seized at the next sitting, and that chalices of copper had come to serve the churches; and that this with the suppression of religious houses, the putting down of certain holidays, new opinions, raising of farms, sore taking of grossomes or incomes, pulling down of towns and husbandries, inclosures, "intails of the common (intakes of the commons?), worshipful men taking of farms and yeomans' offices; all which with other mo they take to be not only an occasion of great dæarth, but as well to the great decay of the Commonwealth," and they desire the same to be reformed by Parliament.24

One reform that resulted was the eventual creation of a Council of the North. Aske and a few of his compatriots, including his lord Darcy, paid with their lives. Aske, for his part, asked forgiveness for his offense against "God, the King, and the world," and affirmed the loyalty of the Northern men. The Pilgrimage was seen by the rebels as an endeavor to preserve, not to destroy, the commonwealth. So important was the unity of the state, however, that Aske confessed guilt for a crime he could have readily denied, much as countless loyal communists confessed to wild charges of treason during the Stalin purges.

This illustrates the power of an idea which will admit no disunity,
and the capacity of a rebel to reaffirm his sworn allegiance.

Enclosures also figured as issues in three rebellions during the Protectorship of Somerset. The first occurred in Cornwall in the spring of 1548. John Strype attributed the cause to the "decay of tillage, and the enclosing of land for pasturage." Once the rebellion was quelled, Edward VI issued a proclamation against enclosures and announced that an inquiry would be led by John Hales, a member of Parliament who had headed a similar commission in 1518. The ravages of enclosure were denounced in a language similar to More's:

All that land which heretofore was tilled and occupied with so many men, and did bring forth not only divers families in work and labour, but also capons, hens, chickens, pigs, and other such furniture of the markets, is now gotten by insatiable greediness of mind into one or two men's hands, and scarcely dwelt upon with one poor shepherd. So that the realm thereby was brought to a marvellous desolation, houses decayed, parishes diminished, the force of the realm weakened, and Christian people, by the greedy covetousness of some men, eaten up and devoured of brute beasts, and driven from their houses by beasts and bullocks. 27

The Earl of Warwick, however, "grew much displeased with Hales, who acted very honestly in this commission, and favorably to the commons." 28 Warwick expected that Hales' purpose was to prevent the hedging in of lands in general and to set the commons against the nobility and gentry, according to Strype. Hales denied these charges. Strype attributed the motives of true Christian charity to the promoters of the commission and blamed the greedy avarice of the gentry for the commission's lack of success. 29 But suspicions continued.

Two rebellions broke out during the summer of 1549 and led to the downfall of Somerset, who was replaced by Warwick.
A proclamation against enclosures in April was followed by scattered rioting in May. The king proclaimed a general pardon in mid-June, but new trouble erupted into full-scale rebellions later that month in the West and North. The Western Rebellion in Cornwall and Devonshire grew out of long-festering religious dissension. But it was triggered by the enclosure issue. According to Raphael Holinshed, an Elizabethan chronicler,

The commons of Devonshire and Cornwall rose by waie of rebellion, demanding not onelie to have enclosures laied open, and parkes disparked: but also thorough the instigation and pricking forward of certaine popish priests, ceased not by all sinister and subtilly meanes, first vnder Gods name & the kings, and vnder the colour of religion, to persuade the people to assemble in routs, to choose captains to guide them, and finallie to burst out into open rebellion.\(^{30}\)

Kett's Rebellion in Norfolk began with a rumor that the commons in Kent had laid open the ditches and hedges that enclosed certain pasture grounds. Local troublemakers exhorted their neighbors to take courage and do likewise. A group of them from Atleborough assembled at the estate of Greene of Wibbie and "threw down" certain of his new ditches. Two weeks later, on July 6th, the rebellion was organized at Morley, a mile from Wimondham, where a public play was being held. Robert Kett, a member of the gentry and a tanner, was chosen captain. His hedges had just recently been thrown down by these same rebels. Large numbers of the audience at Wimondham joined the assembly, which then marched to the estate of Master Flowerdew, who had instigated the rebels' action against Kett following a similar raid on this land, and threw down his hedges and ditches.

After marching on Norwich, the rebels established a camp at Mousehold Heath just outside the city. There they were joined
by some of the city's inhabitants and by residents of Suffolk. The rebels cut Norwich off from the surrounding countryside and won some concessions from the mayor, although not the right to pass through the city. At Mousehold, the rebels established a government, elected governors to preserve peace and order, issued counterfeit commissions with stolen seals affixed, and laid open some local enclosures. A preacher, Doctor Parker, pleaded with the rebels to return to their homes, but was forced to flee. According to John Foxe, four men were murdered during the month-long encampment. Kett, however, maintained that his actions fully accorded with those of a true subject.

Hoping to quell the disturbances, the king issued proclamations enforcing the statutes against enclosures, pardoning enclosure rioters, and ordering martial law against officers who raised unlawful assemblies. The rebels refused the pardon and were finally routed when Warwick arrived with a force of soldiers. Kett was executed. The victory gave Warwick the leverage he needed to topple Somerset.

These rebellions shared several common attributes. They began as unplanned outbursts of violence. Rioters then enlisted support of local gentry, who assumed roles as leaders and spokesmen. A march was made on the county seat, a manifesto issued, and the support of the king was sought. The Pilgrimage of Grace was the most peaceful. Kett's Rebellion, by contrast, was subdued by considerable violence. This raises a question: why the difference?

In 1536, Henry had been securely on the throne for twenty-
seven years. Although ties with Rome had been severed, potential invaders were unable to make common cause against Henry. England enjoyed considerable peace, despite the tremendous political changes that were being introduced. If anything, these changes helped maintain a high level of expectancy among the middle classes. The status and wealth of the gentry, merchants, and freeholders was increasing. The declining power and independence of the nobility was perhaps seen favorably by these groups. The king became more clearly the chief dispenser of favors, and the city of London became the center of commerce and political opportunity. Resentments, however, were bound to grow as the independence of outlying reaches of the country were brought more firmly into orbit around the court at London. The king could remain above local politics, but his officers, who were often outsiders, were in the thick of it. What could be more natural for a loyal citizen than to bypass the king’s officers and make a direct appeal to the king himself? Government was highly patriarchal in nature and personal loyalty governed a subject’s political consciousness. The Pilgrimage of Grace was a reaffirmation of an old tradition that placed the idea of commonwealth and allegiance to the king above particular grievances. The king’s servants were blamed, but not the king. The king was a benevolent father figure.

The infancy of Edward VI, on the other hand, must have altered perceptions on both sides. The strong leadership of Henry was missing in 1549. The Duke of Somerset was already in serious political trouble. There was no strong unifying factor
either to minimize the dangers of rebellion or to moderate
the suppression and aftereffects of rebellion. Henry operated
from a position of strength in 1536. Somerset, however,
appeared weak, and his weakness threatened an already worried
nobility. The weakness of the government must have likewise
impressed itself on the rebels. Kett's Rebellion was of a
more secular and populist nature. Kett was accused of trying
to set himself up as king. He spurned a pardon where Aske
earlier had accepted, even to the point of putting himself
at Henry's service.

So the political circumstances had changed by 1549.
Inflation was severe. The liturgy was being noticeably changed.
The king's officers, not the king, were the real power in
England. High expectations of a decade earlier must have
fallen considerably by 1549. Sufficiently complete statistical
evidence is lacking, but the conditions in 1549 reveal a
greater potential for political violence. Rebels do not
blithely sacrifice their lives for the sake of lost causes.
Aske, Kett, and other rebel leaders must have quickly perceived
the fate that awaited them if they failed. All of them paid
with their lives. It took a complete rift in the political
establishment one hundred years later for a successful revolu-
tion to be made.

The theory of relative deprivation holds that the potential
for political violence increases when a period of general
economic and social progress that raises expectations is
followed by a noticeable reversal. People begin to feel a
stake in the future and when the gap between their expectations
and their straitened circumstances becomes too wide, they may seek to restore the \textit{status quo ante} by force. The theory of relative deprivation properly belongs to political psychology rather than economics because it is the perceived threat of a decline to some previous level of status or wealth that creates the violence potential, not the degree to which extremes of wealth and poverty exist side by side. The traditional social order, as expressed by the Great Chain of Being, legitimized inequality. But this social order was undergoing changes that robbed it of many of its symbolic justifications. Reform in the Church in one generation could not be withheld from other areas of perceived injustice the next generation. When reform was designed for public display, its controversial aspects could be moderated. But Somerset was less tactful to traditional sensibilities, pushing for the substance rather than the semblance of reform in the Church and taking personal steps to enforce the statutes concerning enclosures. The old verities suffered as a result. Conservatives and radicals alike had ample ground for fearing loss, whether loss of religious ritual, personal salvation, wealth, influence, or any combination of these. The year 1549 was filled with uncertainty.

III. THE COMMONWEALTH MEN

This uncertainty was reflected in the literature of the period and is perhaps most evident in the writings and sermons of a group of moralists in the humanistic tradition who were known to their enemies as Commonwealth Men. Although many of them, like Hugh Latimer, John Hales, and Thomas Smith, had been prominent in religion or politics during the reign of
Henry VIII, their collective influence was felt most powerfully during the Protectorship of Somerset. According to W. K. Jordan,

These thinkers were in part governmental officials of the second and third rank; all of them seem to have been advanced Protestants in their religious sentiments; none, oddly enough, was London born; and all of them possessed literary and forensic powers of a very high order.35

Latimer had been Bishop of Worcester for four years during the reign of Henry VIII, but he got into trouble in 1539 over the so-called Six Articles, resigned his post, and was later confined to the Tower for several months until the accession of Edward VI. He was the most popular preacher of his day and presented two famous sets of sermons during the Somerset period. After Somerset's fall, he went back into retirement, was imprisoned by Mary, tried for heresy, and finally martyred in 1555. During this period, Hales was a member of Parliament and the head of the commission investigating enclosures. Smith was a member of the Privy Council, but had been ordained as a priest. During Mary's reign he was shielded by Stephen Gardiner and afterward served Elizabeth variously as an ambassador to France and as a secretary of state, a post he had held under Edward, as well.36

Considering the nature of their thought, it is not at all remarkable that these men hailed from the countryside. Their conception of a commonwealth in which all classes would work together harmoniously was a traditional ideal. Their radical social ideas sprang from the pages of the Bible. In their outrage against injustice and the abuse of wealth and power, they revealed the rugged, unbending moralism of countrymen who were imbued with prophetic fervor of an Amos. R. H. Tawney,
who was largely sympathetic, noted Latimer's vehemence in
denouncing enclosures but recognized that the attacks were
aimed at the motives of men's hearts, and concluded:

On the technicalities of the Tudor land question
the authors of such outbursts spoke without authority....
At once incurious and ill-informed as to the large
impersonal causes which were hurrying forward the
reorganization of agriculture on a commercial basis,
what shocked them was not only the material misery of
their age, but its repudiation of the principles by which
alone, as it seemed, human society is distinguished from
a pack of wolves.... It was, in short, the theory of
property which was later to be accepted by all
civilized communities.37

Times were changing. Instead of chasing runaway villeins
as in earlier periods, "the sharp landlord... had been hunting
for flaws in titles, screwing up admission fines, twisting
manorial customs, and, when he dared, turning copyholds into
leases." Sheep had become more valuable than farmers. But this
was already changing because of the high inflation. Demand for food
and the state of farm technology were both highly inelastic.
The most important period of enclosure had passed by the time
of Edward, an irony which further underlines the importance of
psychological factors in accounting for enclosure riots and
the rhetoric of the pamphleteers.39

The changing motives of landlords and peasants are reflected
in the litigation during the Tudor period. Relief by tenants
was sought in the two prerogative courts, the Star Chamber and
the Requests, as well as in the Chancery and the common law courts.
The Star Chamber, which dealt with criminal matters, had an ancient
tradition, but it was given Parliamentary sanction only during
the reign of Henry VII. The Court of Requests, which heard civil
cases, was established even later and was never confirmed by
It became known as the Poor Man's Court. These two courts drew much of their character from the policies and circumstances of the Tudor period. The protracted nature of some of the litigation, however, is indicative that deep social divisions lay behind such specific issues as enclosure. For instance, the Star Chamber heard a series of cases involving a dispute over enclosures between the Mulsho family and inhabitants of the village of Thingden encompassing the years from 1494 to 1538.

It is the social thought and not the political and legal practices of the time that are of most concern here. The commonwealth men united theory and practice through the performance of their offices, which makes them a more refreshing subject than mere abstract speculators. They acted on their perceptions of political realities, but they also left a record of their ideals and aims, which can only be roughly translated into the language of action.

Arthur Ferguson believed that the ideal of commonwealth that inspired these men was little more than a vigorous and impassioned restatement of orthodox medieval theory. At its center is the political body, divinely ordained in a form analogous to the natural body, each part having its appointed function to perform for the good of the whole organism....Private interests must be subordinated to those of the community. Indeed, if the moral attitude of the individual man is what it should be, if, that is, he is moved by Christian charity and a true sense of duty, his interests will never conflict with those of the community.

It was this sense of a public weal that lay above particular interests that could at once arouse, in men like Latimer, sympathy for the oppressed and hatred of rebellion. Both Latimer and John Cheke denounced the rebellions of 1549. Latimer attributed the Pilgrimages of Grace to the superstitious
worship of images and relics. Later, in his last sermon before Edward VI, he collectively condemned the northern rebellions of the summer of 1549, including Kett’s Rebellion:

Covetousness was the cause of rebellion this last summer; and both parties had covetousness, as well the gentlemen as the commons. 143

Latimer preached the equality of all men in Christ. Tenant rights, for him, was less an economic issue than a question of social justice. He answered his critics by turning their arguments against them and denying he preached sedition:

Well now, if covetousness be the cause of rebellion, then preaching against covetousness is not the cause of rebellion. Some say that preaching nowadays is the cause of all sedition and rebellion. For, since this new preaching hath come in, there hath been much sedition; and therefore it must needs be that the preaching is the cause of rebellion here in England. Forsoth, our preaching is the cause of rebellion much like as Christ was the cause of the destruction of Jerusalem.

And preaching is the cause of sedition here in England much like as Elijah was the cause of trouble in Israel. 144

In an earlier sermon, Latimer reflected on the experiences of his childhood on this father’s farm and recalled the greed that reduced yeomen to poverty. Greed was a tool of the devil and even good statutes amended nothing:

If ye bring it to pass that the yeomanry be not able to put their sons to school—as indeed universities do wondrously decay already—and that they be not able to marry their daughters, to the avoiding of whoredom, I say ye pluck salvation from the people and utterly destroy the realm. For by yeomen’s sons the faith of Christ is and hath been maintained chiefly. 145

These words could have come as easily from a Thomas Rainborough in the next century, a William Cobbett in the nineteenth century, or an American agrarian progressive like Thomas Jefferson. They belong to a long reform tradition that was rural, populist, and Protestant in character: radical in expression and conservative
in purpose. Suspicions of the Catholic Church and "false religion" were associated in the minds of some commonwealth men with "the hurt of sedition." Sir John Cheke, a university man at Cambridge like so many of his compatriots, adopted this last phrase as the title of his tract against Kett's rebels in 1549. Cheke believed that the rebels' grievances against landlords were mere smokescreens that hid seditious motives. He derided the rebels for hiding behind a cloak of religion:

Ye rise for religion. What religion taught you that? If ye were offered persecution for religion, ye ought to die: so Christ teacheth you, and yet you intend to fight. If ye would stand in the truth, ye ought to suffer like martyrs, and you would slie like tyrants. Thus for religion you kepe no religion, and neither will follow the counsell of Christ, nor the constancie of martyrs.... Ye seeke no religion, ye be deceived, ye seeke traditions. They that teach you, blind you, that so instruct you, deceive you.46

Cheke attributed rebel actions to envy against against the rich. He opposed the leveling of social classes and accepted the social hierarchy as an expression of God's design:

Would ye haue all alike rich? That is the overthrow of labour, and utter decay of works in this realm. For who will labour more, if when he hath gotten more, the idle shall by lust without right take what him lust from him, ynder pretense of equalitie with him. This is the bringing in of idlenesse, which destroieth the common-wealth; and not the amendment of labour, that maintayneth the common-wealth. If there should be such equalitie, then ye take awai all hope from yours to come to anie better estate than you now leaue them.47

Cheke justified social inequality as the means of ensuring upward mobility. Equality would result in fixed statuses and condemn men to poverty without hope of relief. This would be the antithesis of a commonwealth and an injury to the body politic:

William Forrest, a contemporary of the commonwealth men,
wrote a tract at that time, entitled Pleasununt Poesye of Princelye Practise, which advocated compulsory education, the prevention of enclosures, the punishment of gambling and drunkenness, the suppression of idleness, and fair wages and rents. Although little is known about the author, the tract was dedicated to Somerset. Each class was entreated to mind its proper business. For example, lords were implored not to engage in trade:

For lordys and men of highe nobilitie, or other indude withe possessions greate, to vse thoffice of thinferior degree, to chppe and chaunge, aduantagies to geate, as Merket men dothe, it sittethe not their feate; or fferrmys tencroche whiche oother myght releuse; suche doinges, (nodowte,) dothe many hartès greene.

Robert Crowley's The Way to Wealth appeared in 1550. Like Cheke's The Hurt of Sedition it was a response to the rebellions of the Somerset period. Crowley was a Puritan who was ordained a deacon in 1551 by Ridley. For him, greed was the cause of sedition. Greedy men of all classes were devoid of conscience and the fear of God:

Cormerauntes, gredye gulls; yea, men that would eate vp menne, women, & chyldren, are the causes of Sedition! They take our houses ouer our headdes, they bye our growndes out of our handes, they reyse our rentes, they leauiie great (yea unreasonable) fines, they enclose oure commons!... In the countrey we can not tarye, but we must be theyr slaues and laboure tyll our hertes brast, and then they must haue al.

The best known tract of that period, however, was a work, entitled A Discourse of the Commonweal of This Realm of England, which was first published in 1581. It has been variously attributed to Thomas Smith and John Hales. In fact, Mary Dewar has tried to place some distance between this
work and the "backward looking" quality of the commonwealth literature. She quotes George Unwin to the effect that the Discourse represents "the most advanced statement of economic thought in Tudor England."\(^{50}\) The Discourse lacks the frequently excessive moralizing tone of a Latimer or a Crowley. Dewar claims that Smith, rather than Hales, was definitely the author, which also places some distance between this work and the others since Thomas Smith was not specifically regarded as a commonwealth man and may have had mild Catholic sympathies. He was seen as too moderate. Certainly regarding the enclosure issue he was careful to make distinctions about the types. Only some enclosures were at the heart of the problem:

"I mean not of all enclosures, nor yet all commons, but only of such enclosures as turn common arable fields into pastures, and violent enclosures of commons without just recompense of them that have right to common therein. For if land were severally enclosed to the intent to continue husbandry thereon and every man that had right to common had for his portion a piece of the same to himself enclosed, I think no harm but rather good should come thereof, if every man did agree thereto. But yet it would not be suddenly done; for thereby many a thousand cottagers in England, which having no lands to live of their own but their handy labors and some refreshing upon the said commons, if they were suddenly thrust out from that commodity, might make a great tumult and disorder in the Commonweal. And percase also if men were suffered to enclose their ground under the pretense to keep it still in tillage, within a while after they would turn all to pasture as we see they do now too fast.\(^{51}\)

Although many of the ingredients in this analysis are present in the others, even this short excerpt reveals how greatly this differs from them in emphasis. No wonder Unwin and others have praised it! It is fully consistent with the theory of property that Tawney said was coming to be accepted by all civilized societies: that is, the individual as master of his own, free to exploit it to personal advantage, and unrestrained
except through law "by any obligation to postpone his own profit to the well-being of his neighbors, or to give account of his actions to a higher authority." Far from advocating a return to the open-field system favored by some conservatives, the author of Discourse would have extended the principle of private ownership.

One of the most consistent ironies of history is that men with strong convictions cannot successfully act on their beliefs without at some point making common cause with others whose values at critical points differ. So it was with these men who all belonged, among other well-known contemporaries, to Somerset's circle. Their tracts and sermons reflect an ambiguity in the world of affairs which is only compounded when men of diverse backgrounds, values, and perceptions apply them to analyses and proposed remedies. Their visions were only imperfectly realized in practice. A common language of social criticism hid a diversity of purposes.

The issue of enclosures continued to be a perennial source of friction. So it is today in many parts of the world. Later generations have taken less offense at the notion of rebellion; some have even glamorized it. The price has been a departure from many of the Christian values that inspired the commonwealth men. Yet history, in its several parts, repeats itself in endless combinations while some things, like the plight of the yeoman farmer, remain the same. The blood of these men pulses through our veins even today.
FOOTNOTES


14. 7 Hen. VIII, c. 7.


L. & P., xi. 1246 (p. 507)


The Letters and Papers of Henry VIII contain nine separate references to enclosures and intakes during this period.

L. & P., xii. 98 (p. 51)

L. & P., xii. 392 (p. 182)

L. & P., xii(2). 292 (p. 121)


Strype, Memorials, 2,1, pp. 145-46.

Strype, Memorials, 2,1, p. 150.

Strype, Memorials, 2,1, p. 151-52.


Holinshed, Chronicles, 3, pp. 963-64.

Hughes and Larkin, Proclamations, 1, pp. 451-53, 462-64.


Jordan, Edward VI, p. 416.


Tawney, Religion, p. 146.

Tawney, Religion, p. 147.

I. S. Leadam, ed. *Select Cases Before the King's Council in the Star Chamber Commonly Called the Court of Star Chamber*, vol. 2: A.D. 1509-1544 (London: Selden Society, 1911), pp. lix-1x, ff.


Latimer, *Sermons*, p. 150.

Latimer, *Sermons*, p. 68.

Holinshed, *Chronicles*, p. 988.

Holinshed, *Chronicles*, p. 990.


Dewar, *Discourse*, pp. 50-51.


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