

## Chapter 1. Introduction

In a 1601 speech to the House of Commons, Stephen Soame, MP for the City of London, spoke in support of a bill that would have extended the City's jurisdiction into the neighbouring liberty of St Katherine by the Tower. The privileges enjoyed by the liberties, he argued, 'are the very sincke of sinne, the nurserye of nawghtie and lewd places, the harbors of thieves, roagues and beggars, and maynteyners of ydle persons, ffor when our shoppes and howses be robbed, thether they ffly ffor releife and sanctuarie, and we cannot helpe our selves.'<sup>1</sup> The prorogation of Parliament a few days later killed his bill, but Soame's characterisation of St Katherine's proved more durable. Such descriptions of the liberties, made by Soame and other contemporaries, have led many modern scholars to assume that the liberties posed a constant threat to metropolitan order. There is, however, reason to believe that the liberties were more complex and less purely problematic than their general historiographical portrayal would suggest.

In 1530 two dozen religious foundations dotted the landscape of the capital. The sixteen religious houses within or immediately adjacent to the City of London<sup>2</sup> were joined by eight others in Spitalfields, Clerkenwell, Westminster and Southwark.<sup>3</sup> By Henry VIII's death in 1546/7, however, London's religious foundations had all but disappeared. The Abbey of St Peter became the cathedral of the short-lived diocese of Westminster, and two hospitals (St Mary Bethlehem and St Katherine by the Tower) limped along with curtailed endowments, but with these few exceptions the long-prominent religious foundations of the capital were gone. The dissolution was not, of course, unique to London. Across England, the Crown's seizure of land previously held by religious orders had profound economic, social and political effects.<sup>4</sup> London at the time was still in the first decades of its early modern population boom, but it was already well-established as the leading city in England. Its concentration of people, of trade and of wealth was unrivalled by provincial cities, as was the prominence of its abbeys,

<sup>1</sup> *Proceedings in the Parliaments of Elizabeth I*, ed T E Hartley, 3 vols, (Leicester, 1981-5), iii.480.

<sup>2</sup> Figure 1.1 (p. 22, below) shows those places within and adjacent to the City that were exempt from its authority in 1530. Sixteen of the nineteen areas shown on the map were religious precincts while three (the Tower, the Temple and Bridewell Palace) were secular.

<sup>3</sup> St Mary Spital, St Mary Elsing Spital, St Helen Bishopsgate, St Mary Clerkenwell, St John of Jerusalem, St Peter Westminster, St Mary Overies and St Thomas.

<sup>4</sup> See P A Cunich, 'The Administration and Alienation of Ex-Monastic Lands by the Crown, 1536-1547' (Cambridge Univ PhD thesis, 1990); N S Rushton and W Sigle-Rushton, 'Monastic Poor Relief in Sixteenth-Century England', *Journal of Interdisciplinary History*, 32:2 (2001), pp. 193-216; N S Rushton, 'Monastic Charitable Provision in Tudor England: Quantifying and Qualifying Poor Relief in the Early Sixteenth Century', *Continuity and Change*, 16:1 (2001), pp. 9-44.

monasteries, priories, friaries, nunneries, hospitals, and schools. The loss of these religious foundations was both a challenge and an opportunity for the ancient City of London and its rapidly expanding suburbs.

Norman Brett-James identifies the closure of religious foundations as the most important difference between the medieval and the early modern city: 'London as Elizabeth knew it was little changed from the London of the Edwards and Henrys, with one important exception. The Reformation had banished the monks and friars from the streets and the religious houses had been either turned into palaces for the nobles or pulled down in order to allow streets of houses to be built on their sites.'<sup>5</sup> The immediate repercussions of the dissolution were accentuated by the survival of the jurisdictional franchises enjoyed by many of the foundations. The areas that claimed these franchises, known as liberties, were literally exceptional places. As Church property they had enjoyed substantial independence from secular authority. When their lands were seized by Henry, the privileges were transferred to the Crown.<sup>6</sup> Over the following two decades, the distribution of former monastic lands brought privileges into private hands that might otherwise have been absorbed into the jurisdictions of the City or the surrounding counties of Middlesex and Surrey. It should not be imagined that the sites of London's religious houses invariably became liberties in the years after the Reformation. Only ten of the capital's post-monastic sites claimed these residual exemptions. Within the walls there were Blackfriars, St Martin le Grand and Holy Trinity Aldgate. Outside the walls were the two St Bartholomews, Charterhouse, St Mary Clerkenwell, St John of Jerusalem, St Katherine's, the Minories, and St Mary Graces. A twelfth post-Monastic site, the Whitefriars, claimed some exemptions later (in the 1570s and again after the Restoration).

The factors that affected claims to continued exemption deserve further scholarly attention. Such claims were most clearly related to the degree to which the freehold of a precinct was broken up during the process of alienation from the Crown. Where a single person received all or most of a former religious site, the grant was likely to include the residual franchises. This was certainly the case in Blackfriars, the Minories and Holy Trinity Aldgate. St Martin le Grand and St Katherine by the Tower, which remained under the control of religious corporations, benefited from similarly explicit grants. When a precinct was distributed in a series of smaller freeholds, its franchises were more likely to remain with the Crown.<sup>7</sup> We will also see that stable oversight was fundamental

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<sup>5</sup> N G Brett-James, *The Growth of Stuart London* (London, 1935), p. 15.

<sup>6</sup> 31 Hen VIII c. 8; 32 Hen VIII, c. 20.

<sup>7</sup> In, e.g., Whitefriars.

to the development of administrative structures within the liberties, as in the Minories under John Heydon, in Blackfriars under George More, in St Katherine's under Julius Caesar and in St Martin's under the stewardship of William Cecil.

Although most religious houses held ecclesiastical (in addition to secular) privileges, these proved less durable and therefore less disruptive than their secular franchises. Gareth Owen points out that the difference is not difficult to explain: 'In their opposition to absorption by the city government, the liberties enjoyed the sympathies of the crown. This they lacked in their confrontations with the ecclesiastical authorities.'<sup>8</sup> It should also be noted that the statute which transferred the secular franchises of religious sites to the Crown did not cover their spiritual privileges. In the same session, however, Parliament enacted legislation that declared previously exempt religious houses should be subjected to the visitation of the ordinary of their local diocese.<sup>9</sup>

The exemptions the liberties enjoyed have attracted casual attention from a variety of scholars, but they have escaped systematic study on their own terms. Confined to passing mention in broader studies, they have been presented primarily as destabilising forces, as havens of debtors, criminals, religious dissidents, aliens engaged in unauthorised crafts and the marginalised players of the theatre. In her 1908 book, *Government Regulation of the Elizabethan Drama*, Virginia Gildersleeve warns her readers not to look to her for a comprehensive analysis of the liberties: 'no attempt at a complete elucidation of all such matters is necessary here; we need only a brief statement of the general situation in the municipality under Elizabeth and the early Stuarts, so far as this affects our immediate subject and so far as it can be definitely ascertained.'<sup>10</sup> E Jeffries Davis raises a similar point in the notes to her 1924 essay on 'The Transformation of London', complaining that the liberties still 'need thorough investigation' since 'each precinct has hitherto been considered in isolation, by writers whose historical equipment was technically inadequate, and who were not concerned with the history of London as a whole.'<sup>11</sup> Gareth Owen prefaces his 1965 study of the Minories with a similar warning: 'Although the liberties of post-Reformation London still await systematic investigation, students of its secular history have long been familiar with the broad political issues arising from the existence of a ring or privileged places encircling the city and claiming

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<sup>8</sup> H G Owen, 'The Liberty of the Minories: A Study in Elizabethan Religious Radicalism', *East London Papers*, 8 (1965), p. 82.

<sup>9</sup> 31 Hen VIII c.13, §18.

<sup>10</sup> V C Gildersleeve, *Government Regulation of the Elizabethan Drama* (Westport, CT, 1975), p. 137.

<sup>11</sup> E J Davis, 'The Transformation of London', in R W Seton-Watson (ed), *Tudor Studies Presented to A F Pollard* (London, 1924), p. 312.

immunity from its government.<sup>12</sup> These pleas for a systematic study of London's post-monastic liberties remain nearly as current today as when they were first made. Piecemeal efforts to explain the history of the liberties have failed to advance our understanding of these areas or their place in the early modern metropolis. In the absence of reliable information about the liberties generally, even the most conscientious historians struggle to put individual incidents in context. In their invaluable archaeological study of the site of Holy Trinity Aldgate, John Schofield and Richard Lea claim that its rapid change during the second half of the sixteenth century, 'from noble mansion to something with elements of both an industrial zone and a district favoured by foreign immigrants, is in significant contrast to the fortunes of other former religious precincts elsewhere in the City of London, and especially those on the west side, toward Westminster.'<sup>13</sup> As we shall see, however, the levelling-down of the social status of residents was a common feature of London's post-monastic liberties, and the occupational and residential shifts that Schofield and Lea identify in the Holy Trinity precinct are similar to those in Blackfriars, St Martin le Grand and Whitefriars, all in the western part of the City.

To begin contextualising the liberties, it is necessary to consider them not only in a metropolitan but also in a national context. Our conception of the state leaves little room for its sharing authority with other institutions; Michael Braddick has suggested that the modern state is defined essentially by its 'centralised differentiated institutions enjoying a monopoly on the means of legitimate violence.'<sup>14</sup> The establishment of that monopoly was the work of centuries. Tim Thornton argues that the modernisation of the English royal government brought it into direct conflict with territorially-defined parts of the British Isles that were divided from England ethnically, culturally, or jurisdictionally.<sup>15</sup> In 1485, the counties palatine and the Marcher lordships of Wales remained beyond the pale of the king's justice, while privileges claimed by the Church from time immemorial were, in a sense, still sacred. Under the early Tudor kings the Crown took important steps to undermine the independence of these anomalies. In practice, the supremacy of the monarchy remained far from absolute; contemporary developments in governance consolidated the power of the monarch and gave rise to an increasingly formal

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<sup>12</sup> Owen, 'Liberty of the Minories', p. 81.

<sup>13</sup> J Schofield and R Lea, *Holy Trinity Priory, Aldgate, City of London: An Archaeological Reconstruction and History* (London, 2005), p. 181.

<sup>14</sup> M J Braddick, *State Formation in Early Modern England, c. 1550-1700* (Cambridge, 2000), p. 14.

<sup>15</sup> T Thornton, 'Nationhood at the Margin: Identity, Regionality and the English Crown in the Seventeenth Century', in L Scales and O Zimmer (eds), *Power and the Nation in European History* (Cambridge, 2005), p. 232. In contrast, Susan Reynolds has argued that medieval rulers and communities were 'remarkably tolerant' of such anomalies. S Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, 2nd edn (Oxford, 1997).

bureaucratic system of administration. Thus the power of the king as an individual decreased even as that of the monarchy (and, more specifically, the king-in-Parliament) expanded.<sup>16</sup>

Under Henry VIII the Church was also brought under royal control. Parliament narrowed the jurisdictional scope of ecclesiastical courts, defined the limits of sanctuary and put strict limits on benefit of clergy.<sup>17</sup> Several historians have suggested that the erosion of these jurisdictional anomalies signified a substantial step in the development of the state. At first glance, the survival of the liberties may seem to indicate a failure in the process of state formation, especially if one accepts the autonomy not infrequently attributed to them.<sup>18</sup> We should remember that even the most ancient franchises enjoyed by the liberties passed through the Crown after the dissolution and were returned to the liberties firmly rooted in royal authority.<sup>19</sup> As late as the fifteenth century, heads of religious houses had successfully rebuffed royal demands, but there is no evidence that any post-monastic liberty attempted to do so, let alone succeeded. The early Tudor kings made notable headway in establishing the fundamental authority of the Crown in England and Wales, but it is important to recognise that the process of state formation was neither smooth nor uniform. The development of the modern state was halting, illogical and messy.<sup>20</sup> The liberties are but one reminder that the process of jurisdictional

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<sup>16</sup> Professor Elton contends that during the reign of Henry VIII, 'there was created a revised machinery of government whose principle was bureaucratic organization in the place of personal control of the king, and national management rather than management of the king's estate.' G R Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge, 1953), p. 4. Regardless of whether one agrees with Elton's thesis that the decade after 1530 was especially pivotal in this development, *The Tudor Revolution* remains a seminal work in the study of English state formation. See also *Revolution Reassessed: Revisions in the History of Tudor Government and Administration*, eds C Coleman and D Starkey, (Oxford, 1986), esp. pp 199-208. It is clear in any case that the monarchy, the 'state' and institutions that threatened its primacy all underwent dramatic changes under the early Tudors. T Thornton, 'Fifteenth-Century Durham and the Problem of Provincial Liberties in England and the Wider Territories of the Crown', *Transactions of the Royal Historical Society*, 6th ser, 11 (2001), pp. 83, 86, 90.

<sup>17</sup> On ecclesiastical courts, see S Hindle, *The State and Social Change in Early Modern England, 1550-1640* (Basingstoke, 2000), pp. 176-80. On benefit of clergy, see K J Kesselring, *Mercy and Authority in the Tudor State* (Cambridge, 2003), pp 45-8.

<sup>18</sup> Edward Tomlinson put the case most forcefully by claiming that the Minories 'was practically a miniature kingdom of its own'. E M Tomlinson, *The History of the Minories* (London, 1907), pp. 165-6.

<sup>19</sup> 32 Henry VIII, c. 20 stated that 'All and singular the same Liberties, Franchises, Privileges, and temporal Jurisdictions...shall be by Virtue of this present Act revived, and be really and actually in the King's Highness, his Heirs and Successors,' but added the qualification that the officers of the liberties 'shall be attendant and obedient to all other the King's Courts, as well as for all Executions and Returns of Writs, Warrants and Precepts, as for their personal Appearances and other Duties of their Offices'.

<sup>20</sup> S G Ellis, *Tudor Frontiers and Noble Power: The Making of British State* (Oxford, 1995); K J Kesselring, *Mercy and Authority in the Tudor State* (Cambridge, 2003), p. 12. Earlier scholars point to the counties palatine as evidence of the Tudors' success in consolidating the power of the monarchy (see W J Jones, 'Palatine Performance in the Seventeenth Century', in P Clark, A G R Smith and N Tyacke (eds), *The English Commonwealth 1547-1640: Essays in Politics and Society Presented to Joel Hurtsfield* (Leicester, 1979), p. 189), but more recent work by John Cooper has suggested that even there, the struggle for royal supremacy had begun before 1485 and would continue well into the seventeenth century. J P D Cooper, 'Differences

consolidation was complex and fraught with small battles over individual areas and rights. While they were integrated into the system of royal justice, for example, for decades their residents continued to resist contributing to Parliamentary taxation.

Sanctuary—one of the many jurisdictional anomalies attacked by the Tudors—must also be addressed in relation to the liberties. David Loades is not unique in arguing that the liberties were a subcategory of sanctuary. In his assessment, sanctuary ‘had two quite distinct points of origin. On the one hand was the sanctity of consecrated ground...On the other was the jurisdictional franchise or liberty, in which the king has waived his rights in favour of the franchise holder.’<sup>21</sup> To be sure, sanctuary and the prescriptive franchises of the liberties (post-monastic or otherwise) were similar insofar as both were premodern forms of jurisdictional exemption. To present them as two parts of a single historical phenomenon, however, is unhelpful if not downright misleading, since it forces them into a modern conceptual framework that does not accurately represent the experience of the past. Sanctuary and prescriptive liberties had different origins, operated in distinct ways, had vastly different effects on those touched by their exemptions, and they met separate ends. In short, their pairing fails to convince.

To avoid confusion, I propose a stricter use of the term sanctuary, encompassing only the former of Loades’s definitions: those forms of jurisdictional exemption which were an outgrowth of the sanctity of consecrated ground, ‘in which neither the civil nor the criminal process could be executed’.<sup>22</sup> Sanctuary in this stricter sense traditionally protected those suspected of certain crimes from prosecution for forty days.<sup>23</sup> It was claimed most famously at three London religious houses (St Martin le Grand and Westminster Abbey north of the river, and Paris Garden to the south), but it would traditionally have been available on any hallowed ground. Liberties, which fall under Loades’s second definition of sanctuary, held their franchises under prescription from the Crown. They differed from sanctuary in important ways. Tenure of a liberty

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between English and Continental Governments in the Early 17th Century’, in J S Bromley and E H Kossmann (eds), *Britain and the Netherlands: Papers Delivered to the Oxford-Netherlands Historical Conference, 1959* (London, 1960); J P D Cooper, *Propaganda and the Tudor State: Political Culture in the West Country* (London, 2003).

<sup>21</sup> D Loades, ‘The Sanctuary’, in C S Knightson and R Mortimer (eds), *Westminster Abbey Reformed 1540-1640* (Aldershot, 2003), p. 75.

<sup>22</sup> *The Dictionary of English Law*, ed E W A Jowitt, (London, 1959), p. 1585.

<sup>23</sup> Debtors, for example, were long denied the right to sanctuary, but in its twilight became one of the few groups for whom the option remained. Persons accused of high treason, meanwhile, seem never to have enjoyed access to sanctuary. Its availability to other accused felons varied according to local custom until 1503, when Parliament began to regulate the institution by statute. For a good, brief overview of developments in the institution through the Tudor period, see Kesserling, *Mercy and Authority*, pp. 48-55 and I D Thornley, ‘The Destruction of Sanctuary’, in R W Seton-Watson (ed), *Tudor Studies Presented to A F Pollard* (London, 1924), pp. 182-207.

conferred specific rights and duties to the franchise-holder, and could exempt the liberty from normal forms of secular or ecclesiastical oversight. It was, in short, ‘public jurisdiction in private hands’.<sup>24</sup> As the source of the franchise, the king could in most cases suspend or transfer it to another beneficiary. The right of jurisdiction over liberties was not limited to forty days, but practical barriers did exist to a liberty’s ability to harbour criminals indefinitely. In London, for example, appeals to the Privy Council could and did authorise the City’s officers to pursue causes in the liberties. While some of the capital’s liberties also claimed the privileges of sanctuary,<sup>25</sup> the two concepts are not interchangeable.

Battles fought in provincial sees between civic and cathedral officials offer a closer parallel to London’s liberties than do early modern sanctuaries. More than anything, the stories of these conflicts (over the extent of the power of different corporate bodies to regulate) are reminders that jurisdiction was dynamic. All jurisdictional franchises—lay or ecclesiastic, urban or rural, in London or in smaller cities—evolved over time. Much has been written about the Cathedral city of Exeter, where Lorraine Attreed notes that as the civic government developed in the fifteenth and sixteenth centuries, ‘urban officials’ sense of the physical nature of the city came to be in profound disagreement with the cathedral party’s notion.<sup>26</sup> Surveying almost three centuries of struggle between the two entities, Attreed concludes that the conflicts between cities and religious precincts were not inherently disruptive, either socially or politically. ‘Whatever resolution was found,’ she writes, ‘everyone recognized that it needed to defuse tensions already apparent and allow for the most peaceful coexistence possible.’<sup>27</sup> The cathedral’s dean and the mayor were both elite members of the same small community. While each might seek to maximise his own jurisdictional claims, the disputes between them did not occur in a vacuum. Disputes in one area certainly did not preclude cooperation on other matters, personal or professional, even during periods of acute tension. London was not so small a community, but the owners and residents of

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<sup>24</sup> G B Adams, ‘Private Jurisdiction in England: A Theoretical Reconstruction’, *American Historical Review*, 23 (1918), p. 1599. Especially after the break from Rome claims of independence from royal authority by religious precincts, even by right of prescriptive grant, proved impracticable.

<sup>25</sup> Most famously St Martin le Grand, Paris Garden in Southwark, and Westminster Abbey.

<sup>26</sup> L C Attreed, ‘Arbitration and the Growth of Urban Liberties in Late Medieval England’, *Journal of British Studies*, 31 (1992), p. 212. For more information on disputes between city and cathedral authorities in Exeter, see J A Youings, *Early Tudor Exeter: The Founders of the County of the City* (Exeter, 1974); W T MacCaffrey, *Exeter 1540-1640: The Growth of an English Country Town*, 2nd edn (Cambridge, MA, 1975); and especially M E Curtis, *Some Disputes between the City and Cathedral Authorities of Exeter* (Manchester, 1932).

<sup>27</sup> Attreed, ‘Arbitration and the Growth of Urban Liberties’, p. 209.

the liberties were inextricably linked to people throughout the metropolis, a fact that has been largely overlooked.

As with any matter in which subtle differences have larger repercussions, the precise use of terminology is exceedingly important when discussing the liberties, which have long been ill-served in this regard. The term *liberty* simply indicates an area of land over which some person or entity had jurisdiction. So, for example, the Liberty of the Tower was under the jurisdiction of the Crown, and the Liberty of the Blackfriars was held (before the dissolution) by the Dominican Order. Allusions to ‘the City and Liberties of London,’ common in early modern documents, refer to that area under the jurisdiction of the Corporation of the City of London. It is not surprising that the ambiguity of the term has caused problems, since even primary documents use it in seemingly contradictory ways. When John Stow described various locations as being within or without the liberties he meant only those of the City.<sup>28</sup> On the other hand, royal proclamations restricting the consumption of meat during Lent, issued frequently during the sixteenth and seventeenth centuries, were directed ‘especially [to] the Citie of London, and the Liberties thereto adioyning’, and demanded action by both the officers of the City and of the ‘seuerall liberties and exempt places’ of the same.<sup>29</sup>

Historians have had little trouble differentiating between references to the City’s liberties and to those liberties which happened to be in the City. Scholars from other disciplines—most notably literature and sociology—have been more liberal in their interpretations. Janette Dillon, a literary scholar, wonders whether the seemingly contradictory meanings of the word liberty represent ‘an ideological clash between two different conceptions of what it meant to be free.’<sup>30</sup> Others make more assertive claims. Steven Mullaney, another literary scholar, confuses the liberties with the extramural wards of the City. He writes that ‘From the walls of London out to the bars located up to a mile beyond them...stretched the marginal and ambivalent domain of London’s liberties’.<sup>31</sup> The bars he speaks of—Temple Bar being the most famous—marked the limits of the extramural jurisdiction of the lord mayor and aldermen, and the area of which he speaks was governed no differently to the area within the walls. Beyond the

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<sup>28</sup> J Stow, *A Survey of London, Reprinted from the Text of 1603*, ed C L Kingsford, 2 vols, (Oxford, 1908), i.77, inter alia.

<sup>29</sup> See, for example, England and Wales Privy Council, *Orders conceined and set downe by the Lords of her Maiesties Prinie Councell, by her Higbnesse speciall direction, to be put in execution for the restraint of killing and eating of flesh* (London, 1589).

<sup>30</sup> J Dillon, *Theatre, Court and City, 1595-1610: Drama and Social Space in London* (Cambridge, 2000), p. 99.

<sup>31</sup> S Mullaney, *The Place of the Stage: License, Play and Power in Renaissance England* (Chicago, 1988), p. 21.

bars, perhaps, a more ambivalent domain *did* exist, but it was the densely populated Middlesex suburbs, not the demonised liberties. Sociologist John McMullan does little to make things better when he claims that ‘By the mid-sixteenth century, London was ringed by crowded deregulated districts, many of which possessed the character of medieval liberties.’<sup>32</sup> In isolation, these musings may seem benign, but they are typical of substantial number scholarly works from recent decades.<sup>33</sup> For those who hope to understand the liberties’ place in early modern London, such careless use of terminology is more than a mild annoyance.

Neither have the liberties benefited particularly from the crisis-order dialectic that has developed among scholars of English urban history. On one side are those historians who, acknowledging contemporary divisions and challenges, identify an underlying stability in the early modern metropolis. This group—among which might be counted the likes of Valerie Pearl, Frank Foster, M J Power, Steve Rappaport and Ian Archer—points to the lack of major public uprisings and the continuity (and flexibility) of local governance as evidence of fundamental order.<sup>34</sup> On the other side are those historians who believe that early modern London, like other English towns of the time, was dominated by chaos and strife, divided along lines of wealth, class, occupation, geography and creed. This notion—put forth most prominently by W G Hoskins, Peter Clark, Paul Slack, and A L Beier<sup>35</sup>—makes an easy target of the liberties. Harold Priestly suggests that they ‘were hotbeds of violence or crime, constituting a perpetual threat to ordered life within the city itself.’<sup>36</sup> Literary theory has been especially receptive to these

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<sup>32</sup> J L McMullan, *The Canting Crew: London's Criminal Underworld, 1550-1700* (New Brunswick, NJ, 1984), p. 53.

<sup>33</sup> In addition to *The Place of the Stage* and *The Canting Crew*, see J-C Agnew, *Worlds Apart: The Market and the Theater in Anglo-American Thought, 1550-1750* (Cambridge, 1986); McMullan, *Canting Crew*; G Salgado, *The Elizabethan Underworld* (New York, 1992); L Manley, *Literature and Culture in Early Modern London* (Cambridge, 1995); Dillon, *Theatre, Court and City, 1595-1610: Drama and Social Space in London*; and J G Turner, *Libertines and Radicals in Early Modern London: Sexuality, Politics and Literary Culture, 1630-85* (Cambridge, 2002).

<sup>34</sup> See, among others, V Pearl, *London and the Outbreak of the Puritan Revolution: City Government and National Politics, 1625-43* (Oxford, 1961); F Foster, *The Politics of Stability: A Portrait of the Rulers in Elizabethan London* (London, 1977); M J Power, 'A "Crisis" Reconsidered: Social and Demographic Dislocation in London in the 1590s', *London Journal*, 12:2 (1986), p. 133-45; S Rappaport, *Worlds within Worlds: Structures of Life in Early Modern England* (Cambridge, 1989); and I W Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991).

<sup>35</sup> See, for example, the introductions to *Crisis and Order in English Towns, 1500-1700: Essays in Urban History*, eds P Clark and P Slack, (London, 1972) and P Clark and P Slack, *English Towns in Transition, 1500-1700* (Oxford, 1976); W G Hoskins, 'English Provincial Towns in the Early 16th Century', *Transactions of the Royal Historical Society*, 5th ser, 6 (1956); and A L Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London, 1986).

<sup>36</sup> H Priestly, *London: The Years of Change* (London, 1966), p. 44-5. Even those historians who focus on order occasionally scapegoat the liberties. Steve Rappaport and Valerie Pearl have contrasted the unruly suburbs with the well-governed City. J P Ward, 'Imagining the Metropolis in Elizabethan and Stuart London', in G

historians of urban crisis. Scholars like Agnew, Mullaney, Manley and Turner tie the liberties to contemporary play-going, and attribute to both a degree of (to borrow one of their favoured terms) ‘incontinence’ previously unknown in the metropolis. Operating under an obligation to glorify all things liminal, the temptation to hyper-marginalise the liberties is even greater.<sup>37</sup>

By treating the liberties as an idea—archetypal unregulated enclaves—rather than as real, individual and well-defined places, scholars bound to the New Historicism and other postmodern critical theories have altered the framework used to assess the liberties. Written from their perspective, the liberties become fuzzy around the edges; it becomes difficult to discern precisely where they end and the City begins. Reducing the liberties to an idea has invited sweeping generalisations about the character of these districts and their meaningfulness within the early modern metropolis. Jean-Christophe Agnew provides a prime example, writing that in the early seventeenth century ‘a new extraterritorial zone of production and exchange sprung up outside London’s ancient marketplaces and thus out of reach of their juridical, ceremonial, and talismanic protections—and restrictions.’<sup>38</sup> Agnew links the weakening guild authority and the rise of the liberties to the state’s enforcement of what he saw as a new ‘moral economy.’ Agnew fails, however, to provide evidence to support his rhetoric. Grouping the liberties together and decrying them in vaguely ominous terms, Agnew furthers his own thesis by obscuring the real significance of the liberties. Mullaney does the same by prominently arguing that the liberties ‘stood in a certain sense outside the law, and so could serve as privileged or exempt arenas where the anxieties and insecurities of life in a rigidly organized hierarchical society could be given relatively free reign.’<sup>39</sup> We have already witnessed Mullaney’s careless use of terminology. Here, we catch a glimpse of his tendency to privilege the discourse of ideological threat posed by the liberties over serious analysis of their practical implications. Such pseudo-historical work takes the idea of ‘unregulated enclave’ and extrapolates how such spaces may have affected London as

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M MacLean, D Landry and J P Ward (eds), *The Country and the City Revisited: England and the Politics of Culture, 1550-1850* (Cambridge, 1999), p. 24.

<sup>37</sup> The New Historicism’s attempt to tell the story of the liberties is plagued with errors far more fatal than its alignment with these historians of crisis. As Gabrielle Spiegel writes, ‘One can admire and share [the New Historicist] desire to reject a mimetic view of literary discourse, but the question of precisely how literature politically manages reality goes largely unexplained. Until New Historicism, and cultural history more generally, is able to explain the supposed links between literary and social praxis in concrete and persuasive terms that can be generalized in the form of a social theory, the interpretive moves, however dazzling, of which it is capable will remain unconvincing.’ G M Spiegel, ‘History, Historicism, and the Social Logic of the Text in the Middle Ages’, *Speculum*, 65 (1990), p. 71n43.

<sup>38</sup> Agnew, *Worlds Apart*, p. 50.

<sup>39</sup> Mullaney, *Place of the Stage*, p. 21-2.

a whole. The projection of modern assumptions onto the past, inherent to such practices, undermines their arguments and betrays the agendas these scholars bring to their research. As A L Beier points out in his critique of the notion of a criminal underworld based on the 'literature of roguery', their perspective 'distorts reality by exclusive use of literary sources; it makes little attempt to distinguish fact from fiction and neglects official records almost entirely'.<sup>40</sup> Postmodernist claims about the liberties deserve similar censure.

For those inclined to look for disorder in the early modern capital, the liberties stand out, even if one dismisses the more hyperbolic claims made about them. Brett-James, for example, pities the residents of the liberties, which suffered 'problems of overcrowding, disorder and license, and...became, if not carefully watched, refuges for all the dissolute, diseased, and lawless folk who needed, more than any, the comparatively good order of the City's wards.'<sup>41</sup> There is certainly no shortage of evidence to indict the liberties. Civic rhetoric has been well-remembered, and abundant printed material chronicles complaints against them.<sup>42</sup> More than thirty ballads and tracts about crime in early modern London have been reprinted in the past century, and literary works that reinforce negative images of the liberties are readily available today.<sup>43</sup> Ben Jonson's *Bartholomew Fair* (1614) presents the dangers of the unregulated economic forum provided by its namesake in an entertaining but nonetheless damning way. Robert Dixon's *Canidia, or The Witches* (1683) is the first known reference to Whitefriars as Alsatia—the 'Alsatian knaves and Newgate dogs' offer their hospitality to the witches—but it was Thomas Shadwell's *Squire of Alsatia* (1688) that set the popular image of the Alsatian bully. That image was in turn resurrected and extended back into the early sixteenth century by Sir Walter Scott in *The Fortunes of Nigel* (1822).<sup>44</sup>

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<sup>40</sup> Beier, *Masterless Men*, p. xxi.

<sup>41</sup> Brett-James, *The Growth of Stuart London*, pp. 215-6.

<sup>42</sup> See Ward, 'Imagining the Metropolis', pp. 24-6 for a good review of contemporary complaints against the suburbs and liberties, and Ward's analysis of more sympathetic early modern approaches to metropolitan expansion.

<sup>43</sup> *The Elizabethan Underworld: A Collection of Tudor and Early Stuart Tracts and Ballads*, ed A V Judges, (London, 1964) reprinted sixteen such works; *Rogues, Vagabonds, & Sturdy Beggars*, ed A F Kinney, (Barre, MA, 1973) reprinted seven; and *Cony-Catchers and Bawdy Baskets: An Anthology of Elizabethan Lowlife*, ed G Salgado, (London, 1972) reprinted ten others.

<sup>44</sup> These are just a few examples, among many. For more on Whitefriars see John Dunton's *A Voyage Around the World* (1691), Richard Ames's 'Fatal Friendship' (1693) and Thomas Brown's 'Imitation of an Epigram 44'. For Blackfriars, see *The Lamentable and True Tragedie of M. Arden of Feversham in Kent* (1592), Ben Jonson's *The Alchemist* (1616), Thomas Randolph's *The Muses Looking Glass* (1638) and Thomas Baker's *The Humour of the Age* (1701). It should be stressed that the date of publication is only marginally important, since even literary works from later centuries served to reinforce earlier anti-liberty sentiments.

Much of this material presents its attacks in no uncertain terms. In a sermon at Paul's Cross delivered in 1577 and republished in 1923, Thomas White attacked the theatres (and by extension the liberties that harboured them) as 'a continuall monument of Londons prodigalitie and folly' and expressed his disgust with 'the monstrous birds that brede in this nest'.<sup>45</sup> Maligned in pulpits and in plays, in pamphlets and in Parliament, it is hardly surprising that the liberties have failed to shake their notorious image. There has been little impetus for historians focused on other aspects of early modern London to look beyond this accessible and self-validating body of printed primary material. Archival sources related to the liberties, meanwhile, remain obscure, incomplete and widely scattered. We should therefore remain sceptical when scholars make grand claims about the liberties using only printed materials.

This is not to exculpate the liberties entirely. The jurisdictional exemptions that sustained these precincts would have affected everything from the supply of men and money for national defence to the collection of scavengers' rates and the provision of poor relief. But even if local administration in the liberties was substantially different to that in the City, it is still unreasonable to dismiss them as lawless, or even backwards. As Julia Merritt shows in her study of Westminster parishes, even contiguous areas under a single jurisdiction could differ immensely in the efficiency of their administrations and in their reactions to demands of the central government.<sup>46</sup> Janette Dillon has suggested that the liberties deserve a more even-handed look than they have yet received, noting that 'Although London's official discourse chose to construct the liberties as places of riot and disorder, the boltholes of those on the run from authority, the liberties need not be read in the city's terms. The official discourse may equally well be read as the city's attempt to purify its own self-conception.'<sup>47</sup> Indeed, an increasing amount of secondary work offers an alternative view of the liberties, if only in passing. In the past two decades many scholars have moved away from the simplistic use of the liberties as a geographic catch-all for London's ills, preferring more complex explanations of the metropolitan nature of both crime and the theatre.<sup>48</sup> The resultant works make few grand claims about

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<sup>45</sup> T White, *A Sermon Preached at Pawles Crosse on Sunday the Ninth of December 1576* (London, 1578).

<sup>46</sup> J F Merritt, 'Religion, Government and Society in Early Modern Westminster, c.1525-1625' (U of London PhD thesis, 1992).

<sup>47</sup> Dillon, *Theatre, Court and City, 1595-1610: Drama and Social Space in London*, p. 97.

<sup>48</sup> On crime, see J P Ward, *Metropolitan Communities: Trade Guilds, Identity and Change in Early Modern London* (Stanford, 1997) and P Griffiths, 'Overlapping Circles: Imagining Criminal Communities in Early Modern London, 1545-1645', in A Shepard and P Withington (eds), *Communities in Early Modern England: Networks, Place, Rhetoric* (Manchester, 2000), pp. 115-33. On the theatre, see A Gurr, *The Shakespearean Stage, 1574-1642*, 3rd edn (Cambridge, 1992); L S Marcus, 'Of Mire and Authority', in D L Smith, R Strier and D Bevington (eds), *The Theatrical City: Culture, Theatre and Politics in London, 1576-1649* (Cambridge, 1995); and

the liberties, preferring instead to acknowledge them as anomalous and seeking to explain trends on a broader basis.

Historians of recent decades have used archival material to make unintentional chinks in the illusion that the liberties were anarchic districts dominated by crime and vice. As with so much about the liberties, challenges to their dominant image are widely dispersed and methodologically varied. Gareth Owen's 1965 study of religious developments in the Minories shows that its parish, Holy Trinity, had both a noble presence and an exceptionally munificent, if religiously nonconformist, congregation.<sup>49</sup> In his overview of the cultural history of London parish life, Michael Berlin shows that before James I's coronation, authorities in the liberty of St Katherine by the Tower 'set about a wholesale moral cleansing of the area involving the rounding up and punishment of all suspicious persons, rogues, beggars, and lewd women...The constables' accounts and memoranda book record yearly payments for the whipping and carting of women as well their punishment by "ducking and cucking".<sup>50</sup> Ian Archer provides further information about St Katherine's. Checking the names of its constables against indictments at the Middlesex sessions and in King's Bench, he finds that the constables 'were respectable men in the sense that they had not been guilty of serious disorderly conduct.'<sup>51</sup> New Historicist claims about the marginalised status of liberties have been partially rebutted by literary scholars who have examined James Burbage's 1596 attempt to establish a new theatre in Blackfriars, a move vigorously opposed by the liberty's residents. Andrew Gurr reminds his readers that the proposed theatre was 'within the city walls, down Ludgate Hill from St Paul's, on the wealthy west side of the main centre of the City's life',<sup>52</sup> and Janette Dillon points out that the petition the residents sent to the Privy Council was clearly 'not the collective voice of a vagrant population, but rather the closing of middle- and upper-middle class ranks against the possible invasion of barbarian hordes.'<sup>53</sup> Finally, Joseph Ward has countered the longstanding assumption that the livery companies of the City were powerless to enforce their regulations in the

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P Lake and M Questier, *The Antichrist's Lewd Hat: Protestants, Papists and, and Players in Post-Reformation England* (New Haven, CT, 2002).

<sup>49</sup> Owen, 'Liberty of the Minories', pp. 81-97. Also on the Minories, see Tomlinson, *History of the Minories*. Ian Archer has pointed out that the bulk of donations went to poor relief outside the parish. Archer, *Pursuit of Stability*, p. 180.

<sup>50</sup> M Berlin, 'Reordering Rituals: Ceremony and the Parish, 1520-1640', in P Griffiths and M Jenner (eds), *Londonopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester, 2000), p. 60.

<sup>51</sup> Archer, *Pursuit of Stability*, p. 221.

<sup>52</sup> A Gurr, 'Money or Audiences: The Impact of Shakespeare's Globe', *Theatre Notebook*, 42 (1988), p. 5.

<sup>53</sup> Dillon, *Theatre, Court and City, 1595-1610: Drama and Social Space in London*, p. 98. The upper class was involved, as well. Amongst the Blackfriars residents who signed the petition were Lord Ellesmere, the newly appointed Lord Chancellor, and Lord Hunsdon, the patron of Shakespeare's company.

suburbs and liberties. In addition to showing that citizens lived throughout the metropolis, Ward demonstrates that the liberties played a productive role in the metropolitan economy.<sup>54</sup> Such work undermines the notion that residents of the liberties defied all regulation.

It is clear that the liberties merit study in their own right. Doing so, however, is not an easy task. While ‘the liberties’ are often spoken of as a coherent group, in actuality they varied among themselves as much or more than they differed from other parts of the early modern capital. Even in relation to the City of London, it is difficult to generalise about them accurately. The lord mayor and aldermen, for example, were more concerned with liberties wholly within the City (such as Blackfriars) than with those that only abutted it (such as the Minories). The relationship of a particular liberty with the City was further affected by the particulars of its ownership, the status and occupations of its residents, and its relationship to other authorities in the metropolis. These factors also influenced life within each liberty, as did the stability and complexity of its leadership and administrative structures, its parochial status and its confessional sympathies. It should therefore come as no surprise that despite being linked by claims of jurisdictional franchises, the liberties varied substantially.

In recognition of this fact, the current study has been organised as a group of case-studies prefaced by an overview of the City’s general relationship with the post-monastic liberties. It is not an exhaustive study of the post-monastic liberties. The four precincts studied in-depth (Blackfriars, the Minories, St Katherine’s and St Martin’s) benefit from demonstrating the diversity of the liberties. Blackfriars and St Martin’s were both in the heart of the City, while the Minories and St Katherine’s stood at its edge. They represent different forms of ownership, as well. St Katherine’s remained under the direct control of its medieval hospital and St Martin’s continued to be held by the reformed Westminster Abbey, which had appropriated it in 1503. After a brief period in private ownership, the Minories returned to royal control in 1563. Only Blackfriars remained in private hands throughout the period; it was also the only liberty under study

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<sup>54</sup> Ward, *Metropolitan Communities*, p. 136. Of the thirty-seven taverns fined by the Vintners Company between 1636 and 1646, sixteen had been in suburbs of the City, but none had been located in the liberties. 217 taverns were inspected in the same period, of which sixty-one were in the suburbs or liberties, he notes. Nine taverns in liberties had been inspected over the same period.

here whose jurisdictional franchises were curtailed by the City's second Jacobean charter in 1608.<sup>55</sup>

The survival of adequate source material was also a prime consideration in the choice of liberties for individual study. Neither Whitefriars nor Duke's Place, two other liberties situated wholly within the City, has a large extant source base. Of the liberties south of the river only the Clink offers sufficient material for serious study, but its jurisdictional status was complicated by the City's often ambiguous relationship with Southwark, the Clink's location at the border of Southwark and Surrey and its continued ownership by the bishops of Winchester. This study would not have done its unique situation justice. Even so, the availability of primary sources is less than ideal. Because of the differences between these already anomalous areas, the sources available for each liberty vary substantially. Parochial records survive for St Katherine's and the Minories. Local administrative records related to Blackfriars and St Martin's are less comprehensive, but both liberties boast more tenancy information and higher-level administrative records.

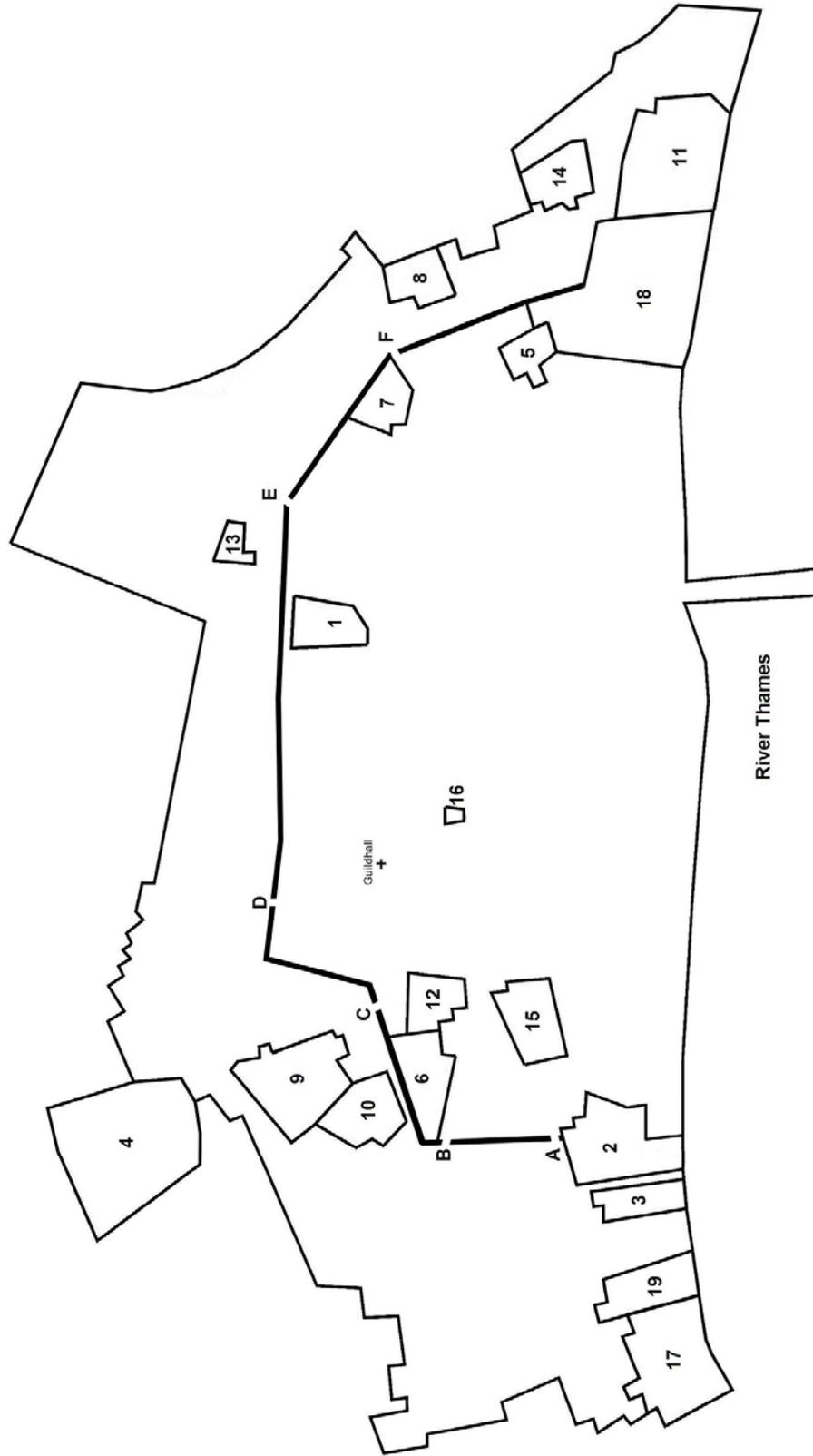
Regardless of its limits, this study offers a new perspective on the liberties and their relationship to the broader metropolis. The material presented provides substantial new information about individual liberties. The context provided by the case-studies is long overdue and will make more specialised and intensive studies of these areas possible. In particular, the relationship between individual liberties and ecclesiastical authorities is likely to be a fruitful area for further research. An exploration of the social and economic ties among liberty residents and between them and those living elsewhere in London would also bring their boundaries into sharper focus.<sup>56</sup> Careful study of the liberties challenges many of the assumptions made about them. More importantly, it reveals them to have been complex, functional and diverse places that were 'in but not of' the City. They had problems, certainly, but by and large those problems were linked to broader metropolitan issues. Contemporaries acknowledged the liberties to be areas of distinct jurisdiction, but they were by no means foreign to early modern Londoners.

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<sup>55</sup> Parochially, the precincts of Blackfriars, the Minories, and St Katherine's were all coterminous with their parish boundaries, but St Martin's was divided unequally among three parishes, each of which also included areas under civic control.

<sup>56</sup> Of the sort undertaken for Southwark by Jeremy Boulton *Neighbourhood and Society: A London Suburb in the Seventeenth Century* (Cambridge, 1987).

Map: Places Exempt from Civic Jurisdiction, 1530



- A. Ludgate
- B. Newgate
- C. Aldersgate
- D. Cripplegate
- E. Bishopsgate
- F. Aldgate
- 1. Austin Friars
- 2. Blackfriars
- 3. Bridewell
- 4. Charterhouse
- 5. Crutched Friars
- 6. Greyfriars
- 7. Holy Trinity Aldgate
- 8. Minorities
- 9. St Bartholomew the Great
- 10. St Bartholomew the Less
- 11. St Katherine by the Tower
- 12. St Martin le Grand
- 13. St Mary Bethlehem
- 14. St Mary Graces (East Smithfield)
- 15. St Paul's
- 16. St Thomas Acon
- 17. The Temple
- 18. The Tower
- 19. Whitefriars