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# Charity, debt and social control in England's early modern prisons

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## ABSTRACT

From the mid-sixteenth century, the prison was increasingly fundamental to social relations and economic life in early modern England. An explosion of civil litigation was accompanied by unprecedented levels of imprisonment for debt, leaving many prisoners reliant upon a growing economy of prison charity. This article addresses the nature of such charity, its role in prison society and what it suggests about early modern attitudes towards imprisonment. It uncovers the range and scale of prison relief, from official aid to everyday begging and face-to-face alms. Charity was vital to prison life, and thus to securing growing credit networks. Yet by extension it was also a vector of moral judgement that left prisoners dependent, subordinated and subject to discipline. This article uncovers assumptions about the function of imprisonment for debt implicit in both practices of and commentaries on prison charity. The moral logic of early modern debt gave new disciplinary meaning to the prison, emphasized by the potential for social judgement inherent in charity. Theories of prisons' punitive and reformatory potential emerged to police social relations based on credit, trust and reputation. Thus, the ethical context of credit relations gave prisons new significance as institutions of moral judgement, punishment and rehabilitation.

## KEYWORDS

Imprisonment; charity; debt; punishment; social control; discipline; early modern England

The frontispiece of Moses Pitts's *The Cry of the Oppressed* (1691) depicts a scene familiar in early modern London: locked behind high stone walls and a barbed gate, inhabitants of the Fleet prison gather at the barred windows of overcrowded rooms to beg for alms. Their cry of 'Pray Remember the poor Debtors' carries into the street, while beyond the Fleet's walls another prisoner begs for donations from well-heeled passers-by (Figure 1). Such aid came in response to a social crisis of expanding prison populations (especially with debtors), and its provision offers insight into both developing attitudes towards incarceration and charitable practices in early modern England. The solicitation and administration of aid is most strikingly demonstrated by a uniquely surviving account book kept by prisoners of the Fleet between February 1628 and June 1632.

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**Figure 1.** [M. Pitt], *The Cry of the Oppressed* (London, 1691) [Wing P2305]. Bodleian Library, University of Oxford, Johnson f.272. Licence: Digital Bodleian, CC-BY-NC 4.0.

Although covering less than five years, the account allows for an unusually detailed examination of patterns of income, the types of charity received and how this was used by prisoners. It reveals a diverse charity economy that was administered by the prisoners themselves, providing a forum of mutual aid. Yet the existence of such accounts also speaks to limits imposed on charity, whether by state regulation, donor discretion or cultural norms. In turn, these reveal nascent assumptions about the punitive and rehabilitative purposes of imprisonment that would come to define modern incarceration.

This article locates the Fleet account book within a wider set of practices and discourses of prison charity during the late sixteenth and seventeenth centuries, drawing on a range of archival and printed sources including civic

records, charity receipts and printed commentaries. It begins by excavating the range and extent of prison charity, from national rates and official aid to alms in the street and at the prison grate. It then turns to how this money was used for ‘relief and release’<sup>1</sup> basic subsistence, mutual aid and freeing prisoners by paying off their debts. From there, it discusses social and religious commentary on prison charity and the theoretical role of such aid in credit relations. Finally, it considers what these charitable practices and discourses reveal about mechanisms of social control in the prison and developing ideologies of incarceration.

From the mid-sixteenth century, the prison became increasingly fundamental to social relations in England. As rapid economic shifts placed pressure on socially promiscuous networks of credit, the courts pursued the lucrative business of their failure by promoting and innovating draconian legal sanctions. Consequently, growing numbers of unresolved defaults and financial conflicts resulted in the incarceration of debtors who could not or would not pay.<sup>2</sup> These debtors filled prisons run by unsalaried officials who – like many early modern officeholders – subsisted on fees and rents extracted from their charges. The resulting expense of incarceration only exacerbated prisoners’ problems as they racked up new bills and fell even further into debt, now to their gaolers.<sup>3</sup> Ironically, then, imprisonment often militated against the satisfaction of debts, driving many prisoners further into destitution. To be sure, some wealthy prisoners owed such prohibitive amounts that it was either more realistic to pay for comfort in prison than to settle their debts, or more appealing to remain in prison in order to shelter their real property.<sup>4</sup> Yet many others of lesser means – especially those who relied on their labour or vocations for a living, or who had suffered extreme losses – had the resources to pay neither their original debts nor their new fees. As a result, they were typically confined to the poorer, more crowded common wards (or side) of the prison. Those who remained in such conditions for long were either truly recalcitrant or, more probably, truly destitute.

<sup>1</sup>For variations on the phrase, see M. Johnson, *Ludgate, What It Is, Not What It Was* (London, 1659) [Wing J784A], 51; Parliamentary Archives, London (subsequently PA), HL/PO/JO/10/1/59, House of Lords Main Papers, 1–5 June 1641, fo. 130r; London Metropolitan Archives (subsequently LMA), Court of Alderman Repertory (subsequently Rep.) 74, fo. 202v; LMA, CLA/033/01/005, Notebook of J. & R. Nicholls, Keepers of Ludgate, 1637–1671, fo. 50v.

<sup>2</sup>C. Muldrew, *The Economy of Obligation: The culture of credit and social relations in early modern England* (Basingstoke, 1998), 2–6, 15–22, 37–51, 234–41, 272–303; C.W. Brooks, *Pettyfoggers and Vipers of the Commonwealth: The ‘lower branch’ of the legal profession in early modern England* (Cambridge, 1986), 11, 50–54, 69, 101; A. Shepard, *Accounting for Oneself: Worth, status, and the social order in early modern England* (Oxford, 2015), 68–81; R.T. Bell, ‘Dens of Tyranny and Oppression: The politics of imprisonment for debt in seventeenth-century London’ (Ph.D., Stanford University, 2017), 4–19, 39–40, 78–85. For the eighteenth-century continuation of this trend see T. Paul, *The Poverty of Disaster: Debt and insecurity in eighteenth-century Britain* (Cambridge, 2019), 5–6.

<sup>3</sup>Bell, *op. cit.*, Chapters 1–2.

<sup>4</sup>P.H. Haagen, ‘Eighteenth-century English society and the debt law’ in S. Cohen and A. Scull (eds), *Social Control and the State: Historical and comparative essays* (Oxford, 1985), 227–31, 233–38.



Many of these prisoners were left at the mercy of charity simply to survive, let alone find a way free from incarceration. As Geffray Mynshul wrote from the King's Bench in 1618, in prison 'poverty is made beggery', reducing debtors to destitution and dependence.<sup>5</sup> Credit and charity were often intertwined, whether in practices like debt forgiveness or by state-led welfare intended to limit poor people's reliance on credit, and this was no less true in prison.<sup>6</sup> Although prison charity might also be distributed among accused or convicted felons – housed separately, at least in theory, but often within the same prisons – it was debtors who administered the charity and who were often identified as the proper targets of aid. The scale of giving suggests recognition that many prisoners simply could not subsist, let alone pay their debts. Furthermore, state responses were limited. From the 1570s onwards, royal commissions could mediate between imprisoned debtors and their creditors, but their powers to compel creditors were contested. Furthermore, they fell into abeyance on Elizabeth I's death and were only revived in a more restricted form in 1618.<sup>7</sup> It was not until 1649 that parliament began to pass ad hoc debtor relief acts, providing for the release of debtors for small amounts who met strict conditions, and even these were criticized as insufficient.<sup>8</sup> Such institutional efforts to protect credit networks and release imprisoned debtors were narrow in scope, leaving many poor prisoners to rely instead on the judicious provision of charity.

Examination of this aid sheds new light on both the mixed nature of early modern charity and attitudes towards imprisonment. In the first case, prisons had distinctive 'local ecologies of relief', to borrow Steve Hindle's phrase, shaped by their singular position within credit networks.<sup>9</sup> Studying such an ecology in unusual detail provides new insight into the tapestry of relief upon which the destitute relied, as well as into how voluntary giving interacted with the rise of state-led or compulsory efforts.<sup>10</sup> Certain kinds of giving have been harder to recover than others; the more informal and

<sup>5</sup>G. Mynshul, *Essayes and Characters of a Prison and Prisoners* (London, 1618) [STC 18319], 13. On debt, imprisonment and poverty see Paul, *op. cit.*, 12–13, 33.

<sup>6</sup>Muldrew, *op. cit.*, 304–09, 311; S. Hindle, *On the Parish?: The micro-politics of poor relief in rural England c.1550–1750* (Oxford, 2004), 77.

<sup>7</sup>J.P. Dawson, 'The Privy Council and private law in the Tudor and Stuart periods: I', *Michigan Law Review*, 48, 4 (1950), 393–428, here 415–16; J.P. Dawson, 'The Privy Council and private law in the Tudor and Stuart periods: II', *Michigan Law Review*, 48, 5 (1950), 627–56, here 640–41, 650; J.P. Reibold, 'Petitions to conscience: imprisonment for debt and the pursuit of justice in early modern England, 1560–1625' (Ph.D., Northwestern University, 1997), Chapter 5.

<sup>8</sup>C.H. Firth and R.S. Rait (eds), *Acts and Ordinances of the Interregnum, 1642–1660* (London, 1911), vol. 2, 240–41; *Journal of the House of Commons*, vol. 6, 288–90; D. Veall, *The Popular Movement for Law Reform, 1640–1660* (Oxford, 1970), 149–51; Bell, *op. cit.*, 88–93, 380–82, 390; Haagen, *op. cit.*, 223; A. Wakelam, *Credit and Debt in Eighteenth-Century England: An economic history of debtors' prisons* (London, 2021), 141–44.

<sup>9</sup>Hindle, *op. cit.*, 229.

<sup>10</sup>J. Innes, 'The "mixed economy of welfare" in early modern England: assessments of the options from Hale to Malthus (c.1683–1803)' in M. Daunton (ed.), *Charity, Self-interest and Welfare in the English Past* (London, 1996), 139–80; Hindle, *op. cit.*, 4–5, 8–9, 18–19, 39–41, 65–66, 228; P. Slack, *Poverty and Policy in Tudor and Stuart England* (London, 1988), 207–08; I.K. Ben-Amos, *The Culture of Giving: Informal support and gift-exchange in early modern England* (Cambridge, 2008), 2–4, 9–11, 85–90; J.M. Bennett, 'Conviviality and charity in medieval and early modern England', *Past & Present*, 134 (1992), 19–41; M.K. McIntosh, 'Local responses to the poor in late medieval and Tudor England', *Continuity and Change*, 3, 2 (1988), 209–45, here 212, 231–32; C.S. Evans, "'An echo of the multitude": the intersection of governmental and private poverty initiatives in early modern Exeter', *Albion*, 32, 3 (2000), 408–28.

fleeting, the smaller the archival footprint. Historians estimate that the fruits of begging and face-to-face alms were significant, but these transactions, and their relationship to other forms of relief, are notoriously hard to pin down.<sup>11</sup> By contrast, the Fleet account reveals the range and scale of prison charity, including substantial sums raised through small alms and begging, alongside the spatial politics of these activities. It provides rare insight into numerous forms of provision within a single charity economy, as well as the ways in which the early modern state and local governance might interpose themselves into even fleeting forms of giving.

Furthermore, discourses and practices of prison charity offer new perspectives on early modern credit relations and the ethical function of incarceration. Charity was a religious duty and social necessity, but could also further normative social policy through oversight and discrimination that targeted those recipients deemed worthy of aid, distinctions inflected by humanist and post-Reformation rhetorics of moral reform. Notably, contemporaries grappled with how to distribute relief among categories later termed the ‘deserving’ and ‘undeserving’ poor.<sup>12</sup> Such concerns over character and morality were especially poignant in prison, not least where questions of credit were concerned. Defaults were crises of trust and reputation, and imprisonment was a vital tool within a legal system designed to publicize and police these crises and protect the rapidly expanding credit networks that they endangered. Contemporaries attempted to distinguish between supposedly honest and dishonest debtors, but also perceived any collapse in credit as a failure of trustworthiness and moral standing requiring redress and reform.<sup>13</sup> As prisons became increasingly dominated by debtors, it was into this ethical context that prison charity intervened.

Charity did not just sustain prisoners, then, but also policed their credit relations, revealing novel theories as to how imprisonment could encourage moral reform among poor debtors. This article reveals what David Garland terms the ‘informal logic’ (or logics) of early modern imprisonment.<sup>14</sup> Insofar as historians have explained the functional characteristics of imprisonment for debt, many have echoed contemporaries’ focus on the prison’s coercive potential. If the threat

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<sup>11</sup>Hindle, *op. cit.*, 58, 66–76, 97; Slack, *Poverty and Policy*, *op. cit.*, 167–68; A.L. Beier, *Masterless Men: The vagrancy problem in England, 1560–1640* (London, 1985), 110–11; Ben-Amos, *Culture of Giving*, *op. cit.*, 132–33; F. Heal, *Hospitality in Early Modern England* (Oxford, 1990) 384–85; T. Hitchcock, ‘Begging on the streets of eighteenth-century London’, *Journal of British Studies*, 44, 3 (2005), 478–98.

<sup>12</sup>Hindle, *op. cit.*, 2, 99–104, 258–60, 361–98, 445–49; I.W. Archer, *The Pursuit of Stability: Social relations in Elizabethan London* (Cambridge, 1991), 168, 179; Slack, *Poverty and Policy*, *op. cit.*, 17–32, 149–52, 205–08; Ben-Amos, *Culture of Giving*, *op. cit.*, 189–90; M. Todd, *Christian Humanism and the Puritan Social Order* (Cambridge, 1987), Chapter 5; McIntosh, *op. cit.*, 209–45; M.C. Finn, *The Character of Credit: Personal debt in English culture, 1740–1914* (Cambridge, 2003), 160–66.

<sup>13</sup>Muldrew, *op. cit.*, 3–7, 272–75, 286–90; Bell, *op. cit.*, 79–84; Paul, *op. cit.*, 19, 22, 125–132.

<sup>14</sup>D. Garland, *Punishment and Modern Society: A study in social theory* (Oxford, 1990), 19, 21.

of arrest was insufficient to persuade supposedly intractable debtors, the actual experience of imprisonment was intended to compel repayment.<sup>15</sup> Yet the coercive explanation does not fully account for the system's seemingly dysfunctional aspects. Alone, it tells us little about why imprisonment often continued when creditors could no longer expect repayment from a debtor falling further into debt while removed from their livelihood, nor why the system relied so heavily on charity.<sup>16</sup> Other historians have been more circumspect. By Margot Finn's account, large-scale charity emphasized custodial – rather than coercive – attitudes towards long-term imprisonment for debt in the eighteenth century that cast reputable prisoners as victims of misfortune rather than financial malefactors.<sup>17</sup> Along different lines, Tawny Paul argues that the decision to imprison a debtor in the eighteenth century was based on punitive and emotional judgements that resorted to the 'sublimated violence' of incarceration 'to enforce market ethics'. In this telling, imprisonment was a punishment publicly and symbolically acted out upon the body, of a piece with the arbitrary application of violence and mercy associated with eighteenth-century criminal justice.<sup>18</sup> Indeed, from at least the medieval period, the coercive purpose of imprisonment overlapped and blurred with its custodial and punitive functions, and these explanations reveal varied attitudes towards imprisonment for debt that might lead someone to incarcerate a debtor in one instance or to offer charity to prisoners in another.<sup>19</sup>

Less has been said, however, about how contemporaries imagined imprisonment might operate correctively upon the conscience or soul of the debtor.<sup>20</sup> This article considers how the prison's intervention in ethical contexts of credit and debt gave rise to theories of incarceration as capable of enacting moral change. Discussions of prison charity are useful here as they move beyond justifications made by individual creditors for resorting to imprisonment and towards the rationales that society at large offered for

<sup>15</sup>Muldrew, *op. cit.*, 5, 200–03, 273–74; J. Innes, 'The King's Bench prison in the later eighteenth century: law, authority, and order in a London debtors' prison' in J. Innes (ed.), *Inferior Politics: Social problems and social policies in eighteenth-century Britain* (Oxford, 2009), 231–32; Haagen, *op. cit.*, 227–31, 233–38; Bell, *op. cit.*, 88–89; Wakelam, *op. cit.*, 10. On coercive, custodial and punitive imprisonment, see R.B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968), 1 n. 4, 5–8, 44–47.

<sup>16</sup>On this tension between confinement and the chances of repayment, see Innes, 'King's Bench Prison', *op. cit.*, 232; Paul, *op. cit.*, 19–20, 25 and Chapter 3. Compare Wakelam, *op. cit.*, 212–19.

<sup>17</sup>Finn, *op. cit.*, 124–28, 161–65. Compare to M. Dorey, 'Reckless endangerment?: Feeding the poor prisoners of London in the early eighteenth century' in A.M. Scott (ed.), *Experiences of Poverty in Late Medieval and Early Modern England and France* (London, 2012), 182–98.

<sup>18</sup>Paul, *op. cit.*, 115–132, 191–94, 205–11; D. Hay, 'Property, authority and the criminal law' in P. Linebaugh, J.G. Rule, E.P. Thompson and C. Winslow (eds), *Albion's Fatal Tree: Crime and society in eighteenth-century England* (London, 1975), 17–64.

<sup>19</sup>R.W. Ireland, 'Theory and practice within the medieval English prison', *The American Journal of Legal History*, 31, 1 (1987), 56–67, here 56–62; G. Geltner, *The Medieval Prison: A social history* (Princeton, 2008), 45–54.

<sup>20</sup>M. Foucault, *Discipline and Punish: The birth of the prison*, trans. A. Sheridan (New York, 1995), 16–24, 123–25, 177–84, 235–47.



incarcerating the financially vulnerable. From this perspective, we can see the formation of punitive, deterrent and rehabilitative logics of imprisonment for debt into new constellations of carceral thinking. This process ran alongside better-explored experimentations in penal practice and more direct forms of compulsion, especially imprisonment at hard labour focused on houses of correction,<sup>21</sup> and likewise brought awareness and discussion of the purpose of incarceration further into everyday life. Emerging attitudes and practices concerning charity, debt and imprisonment therefore reveal formative and under-appreciated developments in modern carceral ideology that were grounded in early modern social relations and economic structures.

### Prison accounting and the sources of charity

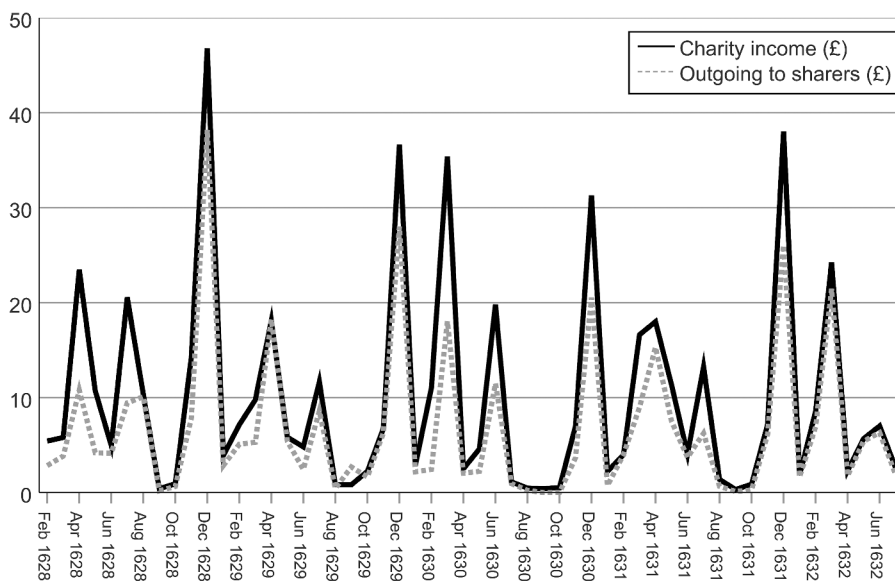
Between February 1628 and July 1632, the prisoners of the Fleet recorded £538 18s 1d in cash donations, averaging almost £120 a year. This was most intensively focused around Easter and Christmas, when receipts regularly totalled over £30 in a single month, with smaller spikes in the early summer (Figure 2). The scale of this giving suggests a far more extensive and varied economy of prison relief than has formerly been recognized, especially in studies based on wills.<sup>22</sup> Furthermore, this figure excludes both direct aid provided by family and friends and formal donations of food and drink, upon both of which many prisoners relied.<sup>23</sup> Even omitting these provisions, cash donations must have totalled hundreds, if not thousands, of pounds a year across London's prisons alone, suggestive of the significance of imprisonment as a social crisis in contemporary perception. Furthermore, as prisons swelled with debtors, charity to prisoners became increasingly focused on this new population.<sup>24</sup>

<sup>21</sup>J. Innes and J. Styles, 'The crime wave: recent writing on crime and criminal justice in eighteenth-century England' in A. Wilson (ed.), *Rethinking Social History: English society 1570–1920 and its interpretation* (Manchester, 1993), 233–40; J. Innes, 'Prisons for the poor: English bridewells 1555–1800' in F. Snyder and D. Hay (eds), *Labour, Law, and Crime: An historical perspective* (London, 1987), 46–90; J.M. Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986), 298–309, 319–35, 490–500; Beier, *op. cit.*, 164–69; R.B. Shoemaker, *Prosecution and Punishment: Petty crime and the law in London and rural Middlesex, c.1660–1725* (Cambridge, 1991), 162–63, 166–97; R. McGowen, 'The problem of punishment in eighteenth-century England' in S. Devereaux and P. Griffiths (eds), *Penal Practice and Culture, 1500–1900: Punishing the English* (Basingstoke, 2004), 219–22.

<sup>22</sup>W.K. Jordan, *The Charities of London, 1480–1660: The aspirations and the achievements of the urban society* (London, 1960), 180; W.K. Jordan, *Philanthropy in England 1480–1660: A study of the changing pattern of English social aspirations* (London, 1959), 264–66. See also Dorey, *op. cit.*, 182–98. For medieval prison charity, see Pugh, *op. cit.*, 315–31.

<sup>23</sup>Dorey, *op. cit.*; Ben-Amos, *Culture of Giving, op. cit.*, 57.

<sup>24</sup>On the rise of bequests to free debtors imprisoned for small amounts from the mid-sixteenth century, see Pugh, *op. cit.*, 174, 213; Jordan, *Philanthropy, op. cit.*, 264–66; Jordan, *Charities of London, op. cit.*, 180–83; S. Brigden, 'Religion and social obligation in early sixteenth-century London', *Past & Present*, 103 (1984), 67–112, here 86–87; J.A.F. Thomson, 'Piety and charity in late medieval London', *The Journal of Ecclesiastical History*, 16, 2 (1965), 178–95, here 184–85.



**Figure 2.** Charitable income to the Fleet prison, February 1628–July 1632. Source: The National Archives, London, E 215/1595.

The management of prison aid was highly formalized. Prisoners on the charity were represented by a self-governing body of stewards and assistants selected from among (and often by) the debtor population.<sup>25</sup> Even in Newgate, where accused or convicted felons made up an uncommonly sizable portion of charity recipients, these administrative roles were usually reserved for debtors.<sup>26</sup> Furthermore, although the Fleet account book is exceptional for its survival, other evidence suggests that similar records were kept – or were supposed to be kept – in many of London’s prisons to enable oversight and accountability.<sup>27</sup> Indeed, the Fleet book was only preserved following accusations of embezzlement against the steward (John Cranfield, a debtor first imprisoned in the late sixteenth century) made by the prison warden to the Commission on Fees. As part of a wider response to concerns over corruption within the early Stuart state and legal system, the commission investigated accusations of extortion by fee-taking officeholders (including gaolers), gathering documentary

<sup>25</sup>Bell, *op. cit.*, Chapter 3.

<sup>26</sup>LMA, Rep. 46, fo. 453v; LMA, Court of Common Council Journal 40, fo. 82r; LMA, CLA/032/01/008, ‘Acts of Court of Common Council and Court of Aldermen for Newgate & Ludgate & Compters’, 11 May 1574, fo. 3r. One proposal from 1633 implies an even split of debtors and condemned prisoners, but it is unclear whether this was ever implemented (LMA, Rep. 47, fo. 184r). The absence of specific rules limiting these positions to debtors in other prisons was most likely due to the preponderance of debtors receiving and administering charity. Beyond Newgate, where the status of individual prisoners involved in charity is discernible, they are almost always debtors.

<sup>27</sup>For Ludgate: LMA, CLA/033/01/005, Ludgate book, fos. 18r, 34r; LMA, CLA/033/01/016; Johnson, *op. cit.*, 54–57. For Newgate: LMA, Rep. 46, fos. 453r–v; LMA Rep. 90, fo. 23r.

evidence in the process.<sup>28</sup> Despite the contentious nature of its survival, then, the Fleet account book is a rare exemplar of a common prison document, indicative of the kind of self-run bureaucracy that developed in early modern prisons.

Examined within the wider context of giving to early modern prisoners, the Fleet account book reveals the varied sources of charitable donations. The income can be split into three broad categories (Table 1): formal payments from courts and legal officials; personal giving (either from living benefactors or willed endowments); and ad hoc cash donations to charity boxes. A final, small percentage included irregular communion money and donations from parishes and livery companies.

Of these categories, the largest was payments from courts and officials, totalling 39% of income (Table 1). Cranfield typically recorded three or four contributions a year from the Courts of Common Pleas, Exchequer and Requests, most probably the fruits of prisoner petitioning and customary entitlement to particular court fees and fines. Some prisons received ‘high Barr mony’, fees paid in Westminster courts for specific writs or at certain points in the legal term that were earmarked for prison relief.<sup>29</sup> The Lord Keeper and Master of the Rolls also regularly made large payments to the Fleet. These customary dispensations were enjoyed by many of London’s prisons. Indeed, their absence was noted when the practice fell into abeyance during the English Revolution. In November 1650, the Court of Aldermen petitioned numerous judicial heads ‘to continue their former Charity of the Poores Box at the end of every Tearme for the poore prisoners in Newgate whoe are now very many and in extreame wante ready to famish’.<sup>30</sup>

Parliament also provided regular charity. In a 1624 petition to the House of Lords, Fleet prisoners noted that this was the ‘pious custome . . . att ever[y] Session of Parlyamen[t]’.<sup>31</sup> Suggestively, parliament’s donations in the Fleet account roughly correlate with its prorogation on 26 June 1628 (payments of £6 and £8 were recorded in July) and its dissolution in March 1629 (when £3 was received), implying that they were made at the

<sup>28</sup>The National Archives, London (subsequently TNA), E 215/1595, Fleet charity accounts, small book; G.E. Aylmer, ‘Charles I’s Commission on Fees, 1627–40’, *Historical Research*, 31, 83 (1958), 58–67; Bell, *op. cit.*, Chapters 1–2. On corruption and private interest in the 1620s, see L.L. Peck, *Court Patronage and Corruption in Early Stuart England* (London: Routledge, 1993), 4–6, 9, 145–48, 172, 188–90; C. Russell, *Parliaments and English Politics, 1621–1629* (Oxford: Clarendon Press, 1979), 111–14, 278, 304–05, 328. The ensuing inquiry into Cranfield’s administration was seemingly inconclusive, but was principally focused on arguments over the appropriate use of charity funds and whether certain funds were withheld by the prison warden or misappropriated by Cranfield once recorded: TNA, E 215/905–908, 924 and 1621, Commission on Fees, Fleet charity notes.

<sup>29</sup>PA, HL/PO/JO/10/1/24, House of Lords Main Papers, 9–30 April 1624, fo. 27r; PA, HL/PO/JO/10/1/59, House of Lords Main Papers, 1–5 June 1641, fo. 130r. This practice had ceased by 1757, when the prisoners petitioned for it again: J. Burrow, *Reports of Cases Argued and Adjudged in the Court of King’s Bench, During the Time of Lords Manfield’s Presiding in that Court (1758–1761)*, 5th edn, 5 vols (Dublin, 1794), vol. 2, 867–68; W. Cobbett (ed.), *Cobbett’s Parliamentary History of England*, 38 vols (London, 1806–1820), vol. 8, 811, 825.

<sup>30</sup>LMA, Rep. 61, fo. 19v.

<sup>31</sup>PA, HL/PO/JO/10/1/24, House of Lords Main Papers, 9–30 April 1624, fo. 27r. See also TNA, E 367/2034, Alms payable to the poor within Newgate Gaol, 10 January 1653.

**Table 1.** Charitable income to the Fleet prison by source, February 1628–July 1632.

Source of deposits	Amount			% of income	No. of deposits	% of deposits	Source category	Category income %
	£	s	d					
Living gift	67	2	2	12.45	134	23.97	Personal gifts	24.25
Willed endowment/gifts	63	12	4	11.80	41	7.33		
Lord Keeper	122	10	0	22.73	13	2.33	Courts and officials	39.15
Master of the Rolls	33	12	4	6.24	18	3.22		
Court or court official	54	16	11	10.18	68	12.16		
House box	105	12	5	19.60	62	11.09	Charity boxes	34.94
Charity boxes (by place)	6	18	0	1.28	22	3.94		
Charity boxes (named)	75	15	1	14.06	171	30.59		
Other	8	18	10	1.66	30	5.37	Other	1.66
<i>Total</i>	<i>538</i>	<i>18</i>	<i>1</i>		<i>559</i>			

Source: The National Archives, London, E 215/1595, Fleet charity accounts, large book.

end of sessions.<sup>32</sup> City of London prisons also received allowances from the Court of Aldermen, especially one-off donations in response to prisoners' petitions.<sup>33</sup> Fees and fines accumulated by the court could also be used to relieve prisoners, as in central jurisdictions. In February 1643, for instance, the Court of Aldermen ordered that money in 'the box remaineing in this Court', alongside funds from the 'Committee for letting the Cittie lands', should be divided among the poor in the Wood Street and Poultry Compters.<sup>34</sup> Beyond London, debtors in some local gaols received similar aid in the form of the 'County Allowance' established in the 1572 Vagabonds Act, although provision was uneven and unreliable.<sup>35</sup>

Furthermore, as central prisons expanded with debtors from across the country, they were provided for as institutions of national concern. The Elizabethan poor laws introduced county rates for poor prisoners in the King's Bench and Marshalsea prisons.<sup>36</sup> This represented a significant income. In certain regions, the rate was collected with increasing formality and, in 1640, prisoners of the King's Bench claimed it was worth £100 per annum for each prison, distributed quarterly.<sup>37</sup> Alongside customary official support, then, some prisons benefitted from new forms of obligatory relief.

<sup>32</sup>TNA, E 215/1595, Fleet charity accounts, large book, July 1628, March 1628.

<sup>33</sup>See, for example: LMA, Rep. 33, fos. 156r–v, 416v; LMA, Rep. 45, fos. 443v; LMA, Rep. 46, fos. 303v; LMA, Rep. 55, fos. 174r, 177r, 194r, 210r–v; LMA, Rep. 59 fos. 1r, 17r, 145r, 182r, 199r–v, 267r, 304v, 341v, 356r, 418r–v, 425r, 448v, 478r, 498v. See also Johnson, *op. cit.*, 18, 60; Dorey, *op. cit.*

<sup>34</sup>LMA, Rep. 56, fo. 109v.

<sup>35</sup>14 Eliz. 1, c. 5 (*Statutes of the Realm 1225–1713*, vol. 4, 597); [M. Pitt], *The Cry of the Oppressed* (London, 1691) [Wing P2305], 9, 12–13, 34, 36, 83; Pugh, *op. cit.*, 330. Compare S. Webb and B. Webb, *English Prisons under Local Government* (London, 1922), 9–11.

<sup>36</sup>Act for the Relief of the Poor, 1597, 39 Eliz. 1, c. 3 (*Statutes of the Realm 1225–1713*, vol. 4, 898); Act for the Relief of the Poor, 1601, 43 Eliz. 1, c. 2 (*Statutes of the Realm 1225–1713*, vol. 4, 964); E.D. Pendry, *Elizabethan Prisons and Prison Scenes* (Elizabethan & Renaissance Studies, vol. 17, Salzburg, 1974), 29–30; J.E. Farniloe and R. Nixseaman (eds), *Elizabethan Churchwardens' Accounts* (The Publications of the Bedfordshire Historical Record Society, vol. 33, Streatley, 1953), xxxii–xxxiii.

<sup>37</sup>Kent History and Library Centre, Maidstone (subsequently KHL), Q/F/M/1–5, Accounts for the treasurers of maimed soldiers and county stock for Western Kent; Norfolk Record Office, Norwich, DS 481, Account of Sir Thomas Holland, Norfolk treasurer for the King's Bench and Marshalsea, 1614–1615; Norfolk Record Office, Norwich, PD 12/50, Orders and receipts for King's Bench and Marshalsea payments, 1598–1758; Farniloe and Nixseaman, *op. cit.*, 45, 87, 92, 97; PA, HL/PO/JO/10/1/59, House of Lords Main Papers, 1–5 June 1641, fo. 130r.

These developments notwithstanding, prisons continued to rely on personal charity. Almost a quarter of the Fleet's income derived from substantial personal gifts, whether lifetime giving (from either named individuals or 'unknown benefactors') or willed endowments (Table 1).<sup>38</sup> Many named donors recurred frequently, including the 1st Earl of Middlesex, who donated 6s 8d in April 1629 and 10s in February 1628 and December 1631.<sup>39</sup> Tellingly, Middlesex's personal papers include prison charity receipts from as early as December 1604 (when he gave 2s 6d to each of the King's Bench, Marshalsea, Newgate, the White Lion, Ludgate, the Poultry and Wood Street Compters, and the Fleet), while almost another 100 such receipts survive for 1621–1630.<sup>40</sup> Similarly, Robert Cecil, earl of Salisbury, kept receipts of Christmas donations to 10 of London's prisons in 1611, which ranged between 15s and 45s. This was a long-term, multi-generational charity: in 1599, Newgate's prisoners had petitioned Cecil, claiming their hardships were 'increased by the loss of Cecil's father, their special benefactor'.<sup>41</sup> Likewise, local aristocrats and gentlemen might also provide charity to debtors in county gaols.<sup>42</sup> For both Middlesex and Salisbury, this giving was a continuing commitment across London's prisons, revealing how donations recorded in the Fleet were part of a wider and longstanding economy of prison charity.

The steward Cranfield also recorded 12% of income from endowments and bequests left in wills (Table 1). This was a significant proportion of relief, but suggests that estimates of prison charity based on wills and legacies only assess part of the picture.<sup>43</sup> Of course, the Fleet account may not do justice to the role played by endowments across England's prisons. For one thing, many legacies were appointed to buy bread for prisoners. When this bread arrived at the prison, it was recorded in the account but without a cash value.<sup>44</sup> Secondly, anecdotal evidence suggests that more legacies were left to City of London prisons, often administered through livery companies, implying that institutions like the Fleet and King's Bench received less than Ludgate, Newgate and the Compters.<sup>45</sup> Indeed, in 1632

<sup>38</sup>Unless explicitly recorded as willed or delivered by an executor, I have counted one-off donations as 'lifetime gifts'.

<sup>39</sup>TNA, E 215/1595, Large book, February 1628, April 1629, December 1631.

<sup>40</sup>KHLC, U269/1/AP10, Cranfield accounts, charity receipt, 1604; KHLC, U269/1/AP11, Cranfield accounts, prison charity receipts, 1604, #367–73; KHLC, U269/A510, Cranfield accounts, prison charity receipts, 1621–1630.

<sup>41</sup>Historical Manuscripts Commission, *Calendar of the Manuscripts of the Most Honourable the Marquess of Salisbury ... Preserved at Hatfield House, Hertfordshire* (London, 1883–1973), vol. 9, 422, vol. 24, 206–07; Hatfield House, Cecil Papers, Bills 67b (consulted via *The Cecil Papers* [online resource]).

<sup>42</sup>[Pitt], *op. cit.*, 33–34.

<sup>43</sup>Jordan, *Charities of London*, *op. cit.*, 180.

<sup>44</sup>For example, Margery Simcott made a large endowment for bread in 1607: LMA, Rep. 28, fos. 27r–29r. See also Dorey, *op. cit.*

<sup>45</sup>See, for example, LMA, P69/ALH4/D/009/MS18995, Receipts for Ralph Carter's charity for the relief of poor prisoners, 1669–1684; LMA, CLA/062/01/005, Receipts for Sir Thomas Gresham's charity for the relief of poor prisoners, 1677–1723; LMA, CLA/032/03/002, Ledger of Newgate charity, 1626–1648. However, it may be that a preponderance of evidence survives for City of London prisons thanks to the Corporation's recordkeeping (see also Finn, *op. cit.*, 126–27).

the Court of Aldermen calculated that Newgate received £56 8s 4d per year from charitable gifts and legacies, compared to £63 12s 4d received over the entire span of the Fleet records.<sup>46</sup>

However, a reliance on wills may overestimate the amount of this money actually received. Successfully instated, some legacies could last for centuries, such as Ralph Carter's bequest that ran from 1576 until at least 1866.<sup>47</sup> Yet many others petered out or simply never made it to prisons. Prisoners regularly complained about overdue, inactive or supposedly embezzled legacies, often prompting investigations by the Commission for Charitable Uses and the Court of Aldermen.<sup>48</sup> As Marmaduke Johnson put it in a 1659 pamphlet on charity and prison society in Ludgate, legacies navigated the straits between 'Scylla or Carybdis upon . . . which they miscarry before they come to the appointed haven where the Donors intended their unloading'.<sup>49</sup> Money could be waylaid by legal complexities surrounding wills or difficulties finding suitable investments, or simply go unpaid by those responsible.<sup>50</sup> Evidently, despite its significance to prison charity, prisoners could not rely on willed income alone.

Finally, charity boxes and almsgiving provided over a third of the Fleet's income (Table 1) and were the forms of relief that prisoners most directly influenced. Typically, prisons had three kinds of box: the first was the 'house box', a central repository that also received miscellaneous income and alms. The second was static, located in established liminal spaces (typically a grate) and often manned by 'criers' who called for alms to passers-by.<sup>51</sup> The third was the 'running-box', taken beyond the prison walls by 'gatherers', who were given liberty to go out and solicit donations.<sup>52</sup> It was the criers and gatherers – depicted in Pitt's frontispiece (Figure 1) – who received the bulk of small alms.

In Ludgate, there were six criers who took turns begging from grates and windows. According to Johnson, the steward opened these boxes at regular intervals, giving the crier a quarter of the contents while the rest went to the communal pot.<sup>53</sup> Prisoners also received food and drink through windows, although this right was often contentious, conflicting with their keepers'

<sup>46</sup>LMA, Rep. 46, fo. 452r. Even if the Newgate figure conflated personal donations and legacy money, the comparable Fleet total was a mean of £29 1s a year.

<sup>47</sup>LMA, P69/ALH4/D/010/MS10781, Receipts for Ralph Carter's charity for the relief of poor prisoners, 1824–1866. Finn, *op. cit.*, 126.

<sup>48</sup>TNA, C 93/1/13, Commission for Charitable Uses in Middlesex, 1600; TNA, C 93/21/6, Commission for Charitable Uses, 1651; TNA, C 93/33/4, Commission for Charitable Uses, 1672; TNA, C 93/33/11, Commission for Charitable Uses, 1672; LMA, Rep. 33, fo. 26v; LMA, Rep. 66, fo. 186r; LMA, CLA/033/01/005, Ludgate book, fo. 18r.

<sup>49</sup>Johnson, *op. cit.*, 20, 51.

<sup>50</sup>TNA, C 90/9, Commission for Charitable Uses, 1641; LMA, CLA/033/01/005, Ludgate book, fo. 19v, 22v; LMA, Rep. 26, pt 1, fo. 107v; LMA, Rep. 28, fos. 27 r–28r, 242r; LMA, Rep. 32, fo. 293r; LMA, Rep. 33, fo. 26v; LMA, Rep. 54, fos. 76r, 185v–186v; LMA, Rep. 66, fo. 186 r; LMA, Rep. 83, fo. 77r; LMA, Rep. 93, fo. 77r.

<sup>51</sup>Johnson, *op. cit.*, 39–41.

<sup>52</sup>LMA, CLA/033/01/005, Ludgate book, fo. 19r; LMA, Rep. 47, fos. 184v, 399v; TNA, E 215/941, Petition from Gatehouse prisoners to the Commission on Fees, fo. 2r (unfol.); TNA, E 215/1012, Commission on Fees, Enquiry into fees in Southwark, fo. 2r.

<sup>53</sup>Johnson, *op. cit.*, 39–41.



profits from victualling prisoners. In 1574, following prisoner complaints, the Court of Aldermen ordered the keeper of Newgate to ‘quietly & freely suffer such drink . . . so Charitably given to be brought in’, providing it was not overly strong.<sup>54</sup> In 1620, a similar conflict broke into riot in the King’s Bench after the marshal boarded up a window through which poor prisoners received food.<sup>55</sup> Indeed, the right to beg was keenly defended: in 1677 and 1687, Ludgate prisoners complained that they lacked a suitable location for receiving charity following the prison’s relocation following the Great Fire of London. They asked permission to ‘beg publicly through a Grate to be made for that purpose . . . as anciently they were wont before the late dreadfull fire’, which the Court of Alderman granted.<sup>56</sup>

Charity was also collected beyond the prison walls by gatherers. Mobile boxes were introduced in Newgate in 1487, and by the late seventeenth century prison beggars had become established figures in London’s street life.<sup>57</sup> They were usually prisoners for ‘small matters’, allowed to leave the prison to solicit in the streets.<sup>58</sup> The practice varied between prisons. In Newgate, it was apparently a regular occurrence, the proceeds collected on a weekly basis, but in Ludgate it was limited to Christmas and Easter.<sup>59</sup> As with many aspects of prison life, the gaoler often claimed a cut. Ludgate’s keeper supposedly forwent a 20d ‘gratuity’ from gatherers in order to ‘avoid [the prisoners’] Clamour’ (a claim that prisoners contested).<sup>60</sup> In 1629, a Southwark minister accused Thomas Cooke, keeper of the White Lion gaol, of taking 2s 6d per week for gathering privileges. Often, the gatherers would not raise enough to cover even this fee, in which case Cooke took the shortfall from other charity money, leaving prisoners at a loss.<sup>61</sup>

Elsewhere, attempts at soliciting charity were more successful.<sup>62</sup> Although it is not always clear from the Fleet account book which boxes were which, they certainly collected significant levels of revenue. Some were attributed to a physical place (for example, the ‘hall box’), others to individuals (such ‘Stone’s Box’ and ‘Poutney’s Box’). These named boxes could have belonged to either gatherers or criers, but they were certainly solicitous

<sup>54</sup>LMA, CLA/032/01/008, Order of Court of Alderman for Newgate, 11 May 1574, fo. 3r.

<sup>55</sup>TNA, PC 2/30, Registers of the Privy Council, 24 July 1620, fos. 579r–v; TNA, SP 14/116, fos. 97r–v; Bell, *op. cit.*, Chapter 5.

<sup>56</sup>LMA, Rep. 82, fo. 266v, 275v; LMA, Rep. 92, p. 335.

<sup>57</sup>M. Laron, *The Criers and Hawkers of London: Engravings and drawings*, ed. S. Shesgreen (Aldershot, 1990), 172–73.

<sup>58</sup>LMA, CLA/033/01/005, Ludgate book, fo. 19r; LMA, Rep. 47, fos. 184v, 399v; TNA, E 215/941, Gatehouse prisoners to the Commission on Fees, fo. 2r (unfol.); TNA, E 215/1012, Commission on Fees, Enquiry into fees in Southwark, fo. 2r; LMA, CLA/032/01/008, Orders concerning Newgate, 19 April 1487, fo. 2r–3r.

<sup>59</sup>LMA, CLA/033/01/005, Ludgate book, fo. 19v; LMA, Rep. 47, fo. 399v. On seasonal street begging, see Hitchcock, *op. cit.*, 483–86.

<sup>60</sup>LMA, CLA/033/01/005, Ludgate book, fo. 19v.

<sup>61</sup>TNA, E 215/1012, Commission on Fees, Enquiry into fees in Southwark, fo. 2r.

<sup>62</sup>TNA, E 215/1595, Large book, March–May 1628, November 1628–January 1629, March–April 1629, November 1629–January 1630, March–April 1630, November 1630–January 1631, March–April 1631, November 1631–January 1632, March–April 1632.

and provide unprecedented evidence of small alms income in early modern London. Two or three collectors operated at any given time, and over the four and a half years in question, Cranfield recorded nine individuals filling this role on rotation. They deposited money as often as 14 times a month (suggesting that they cried or gathered at least this often), mostly around Easter and Christmas, echoing Ludgate's customs.<sup>63</sup> These boxes played an integral role in prison relief, accounting for 14% of incoming charity. Strikingly, they also totalled almost a third of recorded incoming transactions (Table 1). Each deposit to named boxes was small – a mean of around 8s 10d – and presumably represented a number of much smaller handouts from passers-by or people solicited in the street. Nonetheless, these small donations mounted up, the product of significant activity among the prisoners.

Furthermore, criers and gatherers acted as formal representatives of the prison population, even carrying the corporate seals of prison self-government as evidence of their legitimacy. Charity boxes were sealed shut, accompanied by printed petitions bearing a woodcut version of the seal (Figures 3–4). These petitions asked that 'Charity may be put into this bearers box, sealed with the houses Seale, as it is figured upon this Petition', validating the transaction by inviting the donor to compare the physical and print versions.<sup>64</sup> This developed from a fifteenth-century practice of closing prison boxes with the sheriff's seal, which was replaced by specialized prisoner seals during the seventeenth century. By the end of the century, most (if not all) prisoner populations in London had their own seal, used to verify charity receipts as well as legitimize begging.<sup>65</sup> They emulated civic seals, which acted – in Phil Withington's words – as 'institutional and symbolic resources'. Through them, prisoners asserted formal collective identities and broadcast their cries for alms into London's lively culture of corporate symbolism and printed ephemera.<sup>66</sup> Newgate's seal, for instance, described the prison as a 'Microcosmus' (Figures 3–4), emphasizing the

<sup>63</sup>TNA, E 215/1595, Large book, March–May 1628, November 1628–January 1629, March–April 1629, November 1629–January 1630, March–April 1630, November 1630–January 1631, March–April 1631, November 1631–January 1632, March–April 1632.

<sup>64</sup>Anon, *The Humble Petition of the Poore Distressed Prisoners in Ludgate* ([London], 1644) [BL E.21.(33.)]; Anon, *The Humble Petition of the Poore Distressed Prisoners in the Hole of the Poultry Compter* ([London], 1644) [BL E.21.(32.)].

<sup>65</sup>LMA, CLA/032/01/008, Orders concerning Newgate, 19 April 1487, fo. 3r. Examples from 1675 onwards survive from the Wood Street and Poultry Compters, Newgate, Ludgate, the Marshalsea and the King's Bench, while matching print versions from Ludgate and the Poultry exist from 1644: LMA, P69/ALH4/D/009/MS18995, Receipts for Ralph Carter's charity; LMA, COL/CT/08/048, Receipts of payments to both Compters from the legacy of William Middleton, 1667–1740; LMA, CLA/062/01/005, Receipts for Sir Thomas Gresham's Charity; Anon, *Humble Petition of . . . Ludgate*; Anon, *Humble Petition . . . of the Poultry Compter*. See also Bell, *op. cit.*, 224–28.

<sup>66</sup>P. Withington, *The Politics of Commonwealth: Citizens and freemen in early modern England* (Cambridge, 2005), 92, 120–22; J. Peacey, *Print and Public Politics in the English Revolution* (Cambridge, 2013), 64–88; T. Stern, 'On Each Wall and Corner Poast': playbills, title-pages, and advertising in early modern London', *English Literary Renaissance* 36, 1 (2006), 57–89; Archer, *op. cit.*, Chapters 2–4.



**Figure 3.** Seal from charity receipt, Newgate, 1681. London Metropolitan Archives, P69/ALH4/D/009/MS18995. Reproduced with the permission of the Diocese of London.

prison's nature as distinct from, yet reflective of, wider society and reminding potential givers of the thin line that divided everyday life and credit relations from the sufferings of the debtors' prison.<sup>67</sup>

Also included in this category was the 'house box' or 'common box', the central kitty that collected a mixture of small alms and other income. In the Fleet, the house box could receive donations directly. Likewise, in Newgate it was set up in 'some convenient place where all Charitable people May put in their almes & Charity'.<sup>68</sup> However, the house box also collected income such as customary fines and fees paid by other prisoners. Fleet prisoners claimed that when better-off prisoners paid 20d per day to leave the prison, 8d was due to the 'poore mens box'. Yet this practice had apparently ceased, costing the charity anywhere between 5s and 20s a day by Cranfield's estimation.<sup>69</sup> In Ludgate, money from crying and gathering was also placed in the house box on a regular basis.<sup>70</sup> Indeed, this practice might explain the

<sup>67</sup>On corporate identity and self-government in London's prisons, see Bell, *op. cit.*, Chapter 3.

<sup>68</sup>TNA, E 215/1595, Large book, July 1631; LMA, CLA/032/01/008, Order for Newgate, 11 May 1574, fo. 3r.

<sup>69</sup>TNA, E 215/868, Table of fees for the Fleet Prison, 30 June 1634; TNA, E 215/872, Articles of the prisoners in the Fleet against the warden, 24 March 1630, fo. 1r (unfol.); TNA, E 215/58F, Commission on Fees, Proceedings Minute Book, December 1632–November 1634, fos. 9r, 221r; TNA, E 215/898/13, Orders concerning the Fleet, fo. 416r; TNA, E 215/902, Presentment to the Commission on Fees on behalf of the warden; TNA, E 215/58D, Commission on Fees, Proceedings Minute Book, May 1630–December 1632, fos. 35r, 371r, 413r–414r, 433r.

<sup>70</sup>Johnson, *op. cit.*, 29–31, 33, 39; LMA, CLA/033/01/005, Ludgate book, fo. 34r.



**Figure 4.** Detail from *The humble Petition of the poor distressed Prisoners in . . . Newgate* (1676) [Wing H3570A]. Guildhall Library, City of London, BSIDE 11.8. Copyright City of London Corporation (Guildhall Library).

smaller figures recorded from the Fleet's static boxes. The house box received almost 20% of income (Table 1), quite possibly including an accumulation of these smaller transactions.

Unsurprisingly, these forms of ad hoc charity were the most prone to fluctuation in times of hardship. Periods of plague left prisoners isolated, cutting off relief from friends, family and almsgivers, especially when disease befell the prison.<sup>71</sup> Likewise, Fleet prisoners complained to parliament that scarcity during the winter of 1623–1624, which caused famine in much of England, had in turn 'wrought a dearth amongst us' and left some to starve to death.<sup>72</sup> Civil war had similar effects. In 1644, prisoners in the King's Bench complained that charity was 'much fayling' due to 'these distracted times', again causing prisoners to starve. Likewise, in 1659 Johnson explained that while charity used to 'run down like a mighty stream', it had since dried up due to 'Wars and Calamities'.<sup>73</sup> By contrast, the Fleet account provides insight into levels of alms during years that were straitened by persistent economic pressures – particularly the effects of warfare on long-distance trade and decades of hardship that only began to abate in the mid-1620s – rather than during suffering under sudden calamity.<sup>74</sup> Given

<sup>71</sup>LMA, Rep. 27, fos. 95v–96r, 120v, 312v; LMA, Rep. 28, fo. 273r; LMA, Rep. 52, fos. 72r–v; LMA, Rep. 71, fo. 46v.

<sup>72</sup>PA, HL/PO/JO/10/1/24, House of Lords Main Papers, 9–30 April 1624, fo. 27r.

<sup>73</sup>J.M.F., *An Appeale to Heaven* ([London?], 1644) [Wing F45], 5–6; Johnson, *op. cit.*, 57–58. See also T. Wales, 'The parish and the poor in the English Revolution' in S. Taylor and G. Tapsell (eds), *The Nature of the English Revolution Revisited* (Woodbridge, 2013), 53–80.

<sup>74</sup>K. Wrightson, *English Society 1580–1680* (London, 1982), 141–48.

that the charity boxes accounted for at least 15% of income (even excluding the house box, which probably also received alms), it is unsurprising that any abrupt, widespread withdrawal of alms was acutely felt in the prison.

All this goes to demonstrate the range of charity received. Alms and begging constituted one of three main categories of prison relief in the Fleet, alongside personal gifts (whether lifetime or willed) and official aid. In roughly equal proportions – though weighted towards official charity and small alms – these three categories provided the bulk of relief upon which prison life depended. While Hindle and others have revealed the extent to which the early modern poor relied on patchworks of relief, it often remains difficult to uncover rates of quotidian, low-level and face-to-face giving, not to mention its relationship to other forms of aid.<sup>75</sup> Significantly, the Fleet's records – although not sufficient to inform conclusions about rates of alms more generally – do provide a rare example of how a range of charitable practices contributed to a single charity economy.

### Relief and release: the uses of charity

Once received, charity money was put to a number of uses, typically to support the poorest prisoners. Much like parochial poor relief, a sizable portion went to a formally limited population, whose access to the charity was – at least in theory – based upon their need. Distinctively, though, prison charity was overseen by the very population it benefitted. The corporate and exclusive status of poor prisoners was central to the distribution of aid (yet also, as we shall see, to its regulation and role in social discipline). According to Johnson, in Ludgate, to 'be upon the Charity of the House is the accounted benefit which a poor man receives'.<sup>76</sup> In most prisons, a significant portion of charity was divided between eligible prisoners. In the Fleet, this group was variously described as the 'sharers', or prisoners 'on the box' or 'of the charity'.<sup>77</sup> Johnson described how, in Ludgate, monthly expenses were subtracted from the total charity income, after which the remainder was 'cast up' as dividends among the sharers. He claimed that, when free from corruption or imposition, members of the charity typically received 16s–20s per month, reaching as much as £3–£4 around Easter and Christmas.<sup>78</sup> Likewise, in the Fleet, the majority of income – usually well over half – was divided among the sharers (Figure 2). In

<sup>75</sup>Hindle, *op. cit.*, 66–76, 96–100; I.K. Ben-Amos, 'Gifts and favors: informal support in early modern England', *The Journal of Modern History*, 72, 2 (2000), 295–338, here 297, 323–25, 333–34.

<sup>76</sup>Johnson, *op. cit.*, 54.

<sup>77</sup>TNA, E 215/898/9, Commission on Fees, note on Fleet occupants; TNA, E 215/909, Commission on Fees, note on Fleet charity accounts; TNA, E 215/917, Copy of Privy Council order regarding the Fleet, 30 April 1598; TNA, E 215/1595, Large book; TNA, E 215/883/7, Commission on Fees, note on Fleet occupants; Johnson, *op. cit.*, 54, 59.

<sup>78</sup>Johnson, *op. cit.*, 54, 57.



some months (such as September and October 1630), when other costs were high, the sharers received nothing, yet a good haul in December 1628 saw each take £3 3s 8d for the month.<sup>79</sup>

The number of sharers varied between prisons and over time. In the Fleet, during the time frame of the account book, it fluctuated between 10 and 12 within a larger population on the common side, spiking to 16 in July 1632.<sup>80</sup> However, the Fleet figures seem uniquely low; it had a reputation as a more comfortable prison for those with the means to pay and anecdotally held a larger proportion of affluent inmates not reliant on charity.<sup>81</sup> In some other prisons, custom dictated that all common-side prisoners should benefit from the charity. King's Bench prisoners claimed in 1620 that 'the Comon goale was instituted for the releife of poore men, th[a]t had noe other meanes of maintenance'.<sup>82</sup> Whether this amounted to complete and equal access for all common-side prisoners is unclear, but it suggests a more capacious membership than in the Fleet. Likewise, Johnson estimated that around 50 prisoners (sometimes more, rarely fewer) were formally dependant on Ludgate's charity, indicating larger overall receipts given the rough parity of aid each sharer could expect in both prisons.<sup>83</sup> Furthermore, a 1642 petition from the common gaol of Newgate claimed that over 100 people were 'maintained by Common Charity', probably due in part to the unique number of suspected or convicted felons there.<sup>84</sup> These figures are borne out by Cecil's charity receipts from 1611, which reported 30 'poore pr[i]soners' in the common side of the Fleet, compared to 87 in King's Bench, 98 in Newgate and 100 in Ludgate (although it is unclear whether all were formal sharers of their respective charities).<sup>85</sup> Evidently, other prisons housed far more prisoners dependent on relief, perhaps due to less exclusive access and enabled by larger charitable economies.

Nonetheless, admission to the charity was exclusive in all prisons, raising questions of how access was obtained, who made these decisions and by what criteria. Typically, this was determined by the keeper, the steward, or both. In the King's Bench, the marshal controlled access to the common side and by extension the charity, opening the system to accusations of corruption. In 1620, prisoners complained to parliament that the marshal demanded bribes for the privilege, while in 1641 they claimed that

<sup>79</sup>TNA, E 215/1595, Large book, December 1628, September 1630, October 1630.

<sup>80</sup>TNA, E 215/1595, Large book. In 1653, the population of the Fleet was 232: Anon, *A Schedule, Or List of the Prisoners in the Fleet, Remaining in Custody May 25. 1653* (London, 1653) [Wing H2744].

<sup>81</sup>Pugh, *op. cit.*, 118; R.L. Brown, *A History of the Fleet Prison, London: The anatomy of the Fleet* (Lewiston, NY, 1996), 6–7.

<sup>82</sup>TNA, SP 14/116, fo. 97r.

<sup>83</sup>Johnson, *op. cit.*, 54–55.

<sup>84</sup>LMA, Court of Common Council Journal 40, fo. 36r–v. For suspected and convicted felons receiving charity, see LMA, CLA/032/01/008, Order concerning Newgate, 11 May 1574, fo. 3r.

<sup>85</sup>Hatfield House, Cecil Papers, Bills 67b (consulted via *The Cecil Papers* [online resource]); *Calendar of the Manuscripts ... Preserved at Hatfield House*, vol. 24, 206–07.



prisoners were denied charity money for defying him.<sup>86</sup> In January 1633, a former prisoner of the Fleet claimed that access to the charity was ‘not common to all that are in the wards, but to such only as are appointed by the Warden or his deputy’ who required a ‘Certificate from the place whence the Prisoner comes of his poverty’. Another prisoner attested to providing a certificate signed by the vicar and other parishioners from his local parish of Orpington, Kent, perhaps proof of settlement and former dependence on poor relief, or simply of known inability to pay his debts or fees. Despite this requirement, the warden supposedly demanded outsized bribes and refused to admit some prisoners ‘in forma pauperis’ while favouring others ‘of ability’.<sup>87</sup> By contrast, following accusations of corruption against the keeper of Newgate, a report to the Court of Aldermen in 1632 recommended that the steward and assistants should determine that a prisoner was ‘not able to live w[i]thout such releife’ before admitting them to the charity.<sup>88</sup> In Ludgate the responsibility fell to the combination of keeper, stewards and assistants, rather than resting with one or the other. According to Johnson, poor prisoners were obliged to petition this group, presumably proving their poverty, and to show a copy of their freedom of the City to demonstrate their eligibility in the prison for freemen and freewomen.<sup>89</sup>

However, while access to charity was exclusive, other prisoners in the Fleet – ‘pensioners not of the box’ – received aid as either one-off or recurring payments.<sup>90</sup> Although hard to quantify, such payments were relatively common and, at least nominally, made on the basis of need (given to ‘poor men’ or those ‘in want’).<sup>91</sup> Anecdotally, charitable communities certainly supported hard-up prisoners not formally within their company. Johnson recalled how, when he was sick but not yet on the charity, the stewards and assistants allowed him 4s 8d on account day due to his illness and ‘known poverty’.<sup>92</sup> At other times, as the Court of Aldermen noted, Ludgate’s stewards ‘out of their owne good nature And charitable Inclinations have disbursted considerable sums of money For releife of their poore fellow Prisoners out of their owne pocketts’, often in times of disease, sometimes leading them to petition for reimbursement.<sup>93</sup>

<sup>86</sup>TNA, SP 14/116, fo. 97r; PA, HL/PO/JO/10/1/59, House of Lords Main Papers, 1–5 June 1641, fos. 134r, 135r.

<sup>87</sup>TNA, E 215/58F, Proceedings Minute Book, fo. 15r; TNA, E 215/879, Petition of Olliffe Staples to the Commission on Fees, 11 July 1632; TNA, E 215/872, Articles of the prisoners in the Fleet, fo. 2r; TNA, E 215/938A, Commission on Fees, draft of a certificate to Charles I. Similar complaints were made in the Gatehouse: TNA, E 215/941/2, Prisoners articles against the keeper of the Gatehouse, 22 May 1634, fo. 2v (unfol.).

<sup>88</sup>LMA, Rep. 46, fo. 456v.

<sup>89</sup>Johnson, *op. cit.*, 54–55.

<sup>90</sup>TNA, E 215/1595, Large book, December 1630, March 1631, December 1631; TNA, E 215/901, Petition of John Cranfield et al. to Charles I, 16 January 1632; TNA, E 215/909, Commission on Fees, note on Fleet charity accounts.

<sup>91</sup>TNA, E 215/1595, Large book, February 1630, March 1631, July 1631, December 1631.

<sup>92</sup>Johnson, *op. cit.*, 59.

<sup>93</sup>LMA, Rep. 79, fos. 402v–403r; LMA, Rep. 81, fo. 238v; LMA, Rep. 92, p.273; LMA, CLA/033/01/016, Orders Concerning Ludgate, 24 November 1685 and 16 June 1687.

Money also went towards the day-to-day realities of collective survival. Cranfield recorded regular purchases of candles and coal, alongside maintenance costs such as repairing pipes and replacing locks and keys.<sup>94</sup> Charity also attended to the physical and spiritual well-being of the prisoners, including payments to a preacher, a parson and a doctor.<sup>95</sup> Other costs covered the administration of the charity, including the stewards' wages (usually 1s per month) and purchases of paper, presumably related to prisoners' record-keeping and petitioning.<sup>96</sup> Regular payments of between 8s and 12s were made to printers around Easter and Christmas, probably to pay for festive petitioning, while others covered the scribal copying and distribution of petitions.<sup>97</sup> Cranfield also recorded occasional payments for beer and sack and incoming donations of bread.<sup>98</sup> Charitable provision of bread was common but rarely sufficient, and in some prisons more was purchased collectively. Indeed, Newgate's charity was often deeply indebted to bakers, requiring City authorities to compound or pay the arrears.<sup>99</sup>

Finally, prison charity also helped discharge prisoners for small debts, usually of a few pounds or less. Many legacies were intended specifically for this purpose, a fact pointedly raised in complaints against their mismanagement.<sup>100</sup> Furthermore, the Fleet account makes clear that this was key to prisoner organizing around the charity, listing 64 prisoners 'discharged by Stuard Cranfield' (receiving between a few shillings and £12, to a total of over £225).<sup>101</sup> Johnson likewise explained that Ludgate's legacy money was held in 'stock' by the steward to discharge prisoners with debts of £5 or less.<sup>102</sup> Under Cranfield, when funds were scarce, sharers even lent their own money for this purpose. One prisoner recalled how 50s was collected from 10 sharers on the box for the discharge of a fellow prisoner, to be repaid to those who remained incarcerated when the next legacy came in. Yet even then,

<sup>94</sup>TNA, E 215/1595, Large book, June 1630–July 1632.

<sup>95</sup>TNA, E 215/1595, Large book, August 1630, April 1631, August 1631.

<sup>96</sup>TNA, E 215/1595, Large book; July 1630, October 1631, February 1632.

<sup>97</sup>TNA, E 215/1595, Large book, April 1628, April 1629, December 1629, August 1630, October 1630, December 1630, January 1631, March 1631, November 1631, December 1631, March 1632. Anon, *Humble Petition of . . . Ludgate; Anon, Humble Petition of . . . the Poultry*.

<sup>98</sup>TNA, E 215/1595, Large book, September 1630, October 1630, February 1631, August 1631, September 1631, December 1631, February 1632, June 1632, July 1632.

<sup>99</sup>LMA, Rep. 45, fo. 507r; LMA, Rep. 46, fo. 454v; LMA, Rep. 47, fo. 183v; LMA, Rep. 51, fos. 325r–v; LMA, Rep. 53, fo. 82r; LMA, Rep. 55, fos. 113v–114r; LMA, Rep. 61, fo. 207r; LMA, Rep. 62, fos. 20r, 36r–v; LMA, Rep. 63, fos. 105r–v, 193v, 208r–v; LMA, Rep. 65, fo. 194v; LMA, Rep. 66, fo. 105r; LMA, Rep. 72, fos. 207v–208r; LMA, Court of Common Council Journal 40, fos. 36r–v. On the provision of food to prisoners, see Dorey, *op. cit.*

<sup>100</sup>Johnson, *op. cit.*, 20, 51; TNA, C 93/21/6, Commission for Charitable Uses, 1651, item #1; LMA, CLA/033/01/005, Ludgate book, fos. 11v, 50v; LMA, Rep. 45, fo. 507r; LMA, Rep. 54, fo. 76r; TNA, E 215/898/8, Articles to the Commission on Fees, fo. 407r; TNA, E 215/918/6, Examination concerning fees in the Fleet, fo. 473r; TNA, E 215/974, Petition of Prisoners in the Marshalsea, 19 June 1637; TNA, E 215/998, Articles exhibited by John Walton against the keeper of Newgate, 25 March 1633, fo. 1r (unfol.); PA, HL/PO/JO/10/1/59, House of Lords Main Papers, 1–5 June 1641, fo. 130r; Jordan, *Charities of London, op. cit.*, 180–83.

<sup>101</sup>TNA, E 215/1595, Large book, fo. 6r (unfol.) and December 1630, December 1631, February 1632, July 1632; TNA, E 215/906, Commission on Fees, notes concerning Fleet charity accounts, 15 February 1632.

<sup>102</sup>Johnson, *op. cit.*, 53.

they did not all receive a ‘like share’, and some who had not lent anything also received a portion, suggesting that repayment was informally dealt with through the general disbursement of charity.<sup>103</sup> The charity thus functioned as a forum for mutual aid that particularly benefitted those struggling to repay relatively minor debts. It was the focus of careful administration and sustained collective activity that provided for communal well-being, mutual aid and debt relief upon which the system of imprisonment for debt implicitly relied.

### Moral judgement and the rationales of aid

Given this growing reliance, it is unsurprising that lawmakers and social commentators recognized a mounting calamity within England’s overrun prisons that required charitable intervention. Just as the Elizabethan poor laws introduced county rates for central prisons, the 1601 Charitable Uses Act recognized funds for the ‘reliefe or redemption of Prisoners or Captives’ as a protected category of charity.<sup>104</sup> Meanwhile, commentators drew on biblical precedent to encourage prison aid, invoking Christ’s injunction to visit the needy, sick and imprisoned and deliver alms in person, often specifying – as Richard Kidder did in 1676 – those detained for small debts or prison fees.<sup>105</sup> Indeed, commentators distinguished between the problem of debtor and felon populations, often suggesting distinct remedies for each. The remainder of this article explores attitudes towards prisons found in such commentaries, before turning to practices and discourses of social control enabled by charity within early modern prisons. Taken together, these will reveal how the pressing need for prison charity shaped contemporary thinking about the social and economic function of incarceration.

Anxiety over growing prison populations recurred throughout discussions of charity. As early as 1595, Thomas Churchyard described how:

Our prisons all, are pested with poore soules  
Whose yelling noise, a tyrants hart may moove  
At grates they stand, and looke through peeping holes  
To purchase alms, and trie good peoples love<sup>106</sup>

<sup>103</sup>TNA, E 215/58F, Proceedings minute book, fo. 28r. This practice also helps to explain why the combined outgoings in the Fleet account and funds used for discharging prisoners outstrip the receipts for the same period.

<sup>104</sup>Act for the Relief of the Poor, 1597, 39 Eliz. 1, c. 3 (*Statutes of the Realm 1225–1713*, vol. 4, 898); Act for the Relief of the Poor, 1601, 43 Eliz. 1, c. 2 (*Statutes of the Realm 1225–1713*, vol. 4, 964); Charitable Uses Act, 1601, 43 Eliz. 1, c. 4 (*Statutes of the Realm 1225–1713*, vol. 4, 968–69).

<sup>105</sup>*King James Bible*, Matthew 25:36–39, 42–44; R. Kidder, *Charity Directed* (London, 1676) [Wing K397], 27–28; R. Allen, *A Treatise of Christian Beneficence* (London, 1600) [STC 367], 115, 192; J. Downname, *The Plea of the Poore* (London, 1616) [STC 7146], 128–29, 181.

<sup>106</sup>T. Churchyard, *A Muscicall Consort of Heavenly Harmonie (compounded out of manie parts of musicke) called Churchyards Charitie* (London, 1595) [STC 5245], 4.

This sense of urgency persisted into the seventeenth century. In 1681, Thomas Firmin described prisons as ‘so full of Fellons and Debtors, of which it is thought, no Age hath produced the like’, recommending forced labour for felons (perhaps also incorporating those awaiting trial) and charity to release prisoners for small debts or fees.<sup>107</sup> Many saw rising levels of incarceration as socially deleterious. Kidder argued that ‘the Condition of Prisoners is very pitiable’, especially those ‘Imprisoned for small Debts, or that are detained for want of Fees . . . who for want of a little Money are bereft of their Liberty’, leaving them ‘Useless Members of the Common wealth’ and destined to become ‘Debauced in their manner’.<sup>108</sup> The personal effects were profound. Nathaniel Shute – a godly minister at St Mildred, Poultry, neighbouring the Compter – argued that prison charity provided for those who were not simply destitute, but socially isolated. ‘A Prisoner hath few friends’, he explained, ‘scarce his owne Parents are his friends . . . So let the sighes of the poore Prisoners come before you and place your eyes upon them’.<sup>109</sup> Without external aid, the consequences could be dire: as Firmin put it, prisons ‘eat up the poor of the Land, as a man would eat Bread’, potentially driving debtors to begging and even felony.<sup>110</sup> These commentators thus recognized that imprisonment was liable to compound misfortune and social isolation, rather than secure repayment of debts.

Indeed, insofar as imprisonment for debt was understood as a coercive means to extract repayment, the fact that many prisoners languished in need of charity with their debts unpaid exposed the limits of this theory. If anything, prison charity potentially undercut the harshest coercive effects of extended imprisonment among less affluent debtors. It not only aided prisoners’ survival but also offered hope of liberty to those poor prisoners who (whether fraudulently or out of necessity) waited long enough. Thus, some form of distinction was necessary. Commentators recognized some prisoners for debt as the victims of misfortune, at least to some degree, contrasted with supposedly obstinate counterparts (often those of ‘good Estates, but very bad Consciences’) who cheated their creditors.<sup>111</sup> Of ‘Captives we must make distinction’, wrote the author of *A Provocation to Good Works*, between those unscrupulous debtors who ‘bring themselves into Captivity by their Vices’ and those ‘who by misfortune or natural infirmity become subject to Arrests, and by the Cruel[t]y of their Creditors are cast into Prison’.<sup>112</sup> Classifications were thus made between deserving and undeserving debtor prisoners, much as they were in wider discussions of poverty.<sup>113</sup>

<sup>107</sup>Thomas Firmin, *Some Proposals for the Employment of the Poor* (London, 1681) [Wing F972], 39–41.

<sup>108</sup>Kidder, *op. cit.*, 25. Also, E. Browne, *A Rare Paterne of Justice and Mercy* (London, 1642) [Wing B5105], 59.

<sup>109</sup>N. Shute, *Corona Charitatis* (London, 1626) [STC 22466], 35.

<sup>110</sup>Firmin, *op. cit.*, 42.

<sup>111</sup>Firmin, *op. cit.*, 41.

<sup>112</sup>Anon, *A Provocation to Good Works* (London, 1685) [Wing P3876A], 90–91. See also Firmin, *op. cit.*, 40–41.

<sup>113</sup>On the development of this idea in the eighteenth century, see Finn, *op. cit.*, 160–66; Paul, *op. cit.*, 125–32.

Yet clear distinctions between deserving and undeserving prisoners were hard to maintain. In 1637, poet and puritan clergyman Charles Fitzgeffry distinguished between just and unjust incarceration – with imprisonment by the criminal justice system at one end and captivity at the hands of pirates at the other – but struggled to place debt on this spectrum. He did not know ‘whether I may referre *bondage* and imprisonment for debt either unto the first or second kind, or make it a third and mixt kind betweene just and unjust’. Like others, he thought it just in cases of ‘fraud and prodigality’ by dishonest debtors, yet unjust when a ‘usurious *creditor*’ failed to ‘distinguish betweene *Gods visitation and mans corruption*’ and imprisoned victims of misfortune. Yet for all this struggle for distinction, and although victims of unjust imprisonment deserved particular sympathy, Fitzgeffry concluded: ‘I doubt not but the holy Authour in my Text bespeakes us to commiserate generally all who are in bondage for any cause whatsoever’.<sup>114</sup>

Calls for charity often highlighted imprisonment for debt as a case of stalled interpersonal relations, placing at least some charitable responsibility with the creditors. As Craig Muldrew has shown, debt forgiveness was perhaps the most dominant form of early modern relief.<sup>115</sup> Commentators urged creditors to deal benevolently with debtors, painting imprisonment itself as a failure of charity. In 1692, William Sherlock argued that it was a

very great Sin . . . to lend our Money upon Usury to those who borrow for Necessity and Want, and to exact such Payments with Rigour and Severity, to strip such miserable People of that little that remains, to imprison their Persons, and make them end their Lives in a Goal [sic].<sup>116</sup>

Likewise, in 1635 puritan minister Richard Bernard argued that the Israelite practice of debt jubilee was intended to avoid unnecessary burdens on society, that ‘mercillesse and cruell men might not create beggers in Israell, as they doe now too frequently’. Without such a legal compulsion, Bernard urged creditors to show such mercy to those debtors ruined by misfortune who were willing but unable to pay their debts. While ‘the politicke law gives thee leave and power, when a poore man hath nothing left, to seize upon his body’ and ‘to lay him up in close prison’, nonetheless ‘thou maist not eate his flesh to satisfie thy bloody appetite, thou canst not set him to sale, or sel him for a Bond-slave, thou canst not coine him into money’. By imprisoning poor debtors’ bodies, he argued, creditors could only drive them further into socially burdensome destitution.<sup>117</sup>

<sup>114</sup>C. Fitz-Geffry, *Compassion towards Captives Chiefly towards Our Brethren and Country-Men Who Are in Miserable Bondage* (Oxford, 1637) [STC 10937], 6. Original emphases.

<sup>115</sup>Muldrew, *op. cit.*, 304–09, 311.

<sup>116</sup>W. Sherlock, *The Charity of Lending without Usury* (London, 1692) [Wing S3278], 20–21.

<sup>117</sup>R. Bernard, *The Ready Way to Good Works* (London, 1635) [STC 1959], 38–39, 362–64. See also Downname, *op. cit.*, 159–61.

Yet, as with the difficulty in differentiating between unfortunate and obstinate debtors, the distinction between justified plaintiff and merciless creditor was a matter of perspective. Credit relations remained prone to breakdown, leaving growing numbers imprisoned for debt, whether due to the rapaciousness of creditors, the financial misconduct of debtors or the structural iniquities of credit networks. Even those who blamed creditors acknowledged that charitable giving remained necessary. Bernard recognized that entreating creditors to show mercy was unlikely to alleviate the suffering of many imprisoned debtors, who instead relied on voluntary charity that fell to society at large. The freeing of ‘poore Prisoners laid up sometimes for small and improper debts’ was therefore a necessary form of charity even in lieu of legal compulsion to provide such aid.<sup>118</sup> Likewise, one 1685 pamphlet argued for mediation between creditor and prisoner, but suggested that if the creditor would not ‘be wrought upon’ then it was necessary to ‘assist [the debtor] to pay’ their debt.<sup>119</sup>

Even at their most sceptical, however, these were not calls for the abolition of imprisonment for debt. Arrest and incarceration remained indispensable within a culture of credit defined by morality and social accountability. As Fabian Philipps argued in 1676, imprisonment was vital to contracts based on ‘trust’ and ‘personal security’, or ‘imaginary credit’. Yet such credit was not immaterial; rather, the body provided a material hold ‘[f]or a man may be known where to be found, when his Money, Goods, or Estate cannot . . . . And the Pawn or Pledge of the Body must needs be the greatest tye upon a Debtor’.<sup>120</sup> Insofar as credit relations combined assessments of material worth and moral integrity, the body was the junction between the two.<sup>121</sup> Accordingly, knowledge of where to find a debtor and the ability to restrain them were considered vital to the extension of credit beyond the value of distrainable goods and chattels. Yet this institution – necessary as it seemed – was not self-sustaining, but relied on prison charity to maintain those incarcerated. This, in turn, gave rise to rationales for giving that reveal novel understandings of the social purpose of incarceration that moved beyond this custodial justification.

### **Discipline and control: prison charity and the logics of incarceration**

Indeed, charity was not just a mechanism of aid for the poorest prisoners, but also one of social control and moral discipline within the prison. Undoubtedly, it provided for basic necessities and collective

<sup>118</sup>Bernard, *op. cit.*, 38–39, 384–85.

<sup>119</sup>Anon, *Provocation to Good Works*, *op. cit.*, 90–91.

<sup>120</sup>F. Philipps, *The Ancient, Legal, Fundamental, and Necessary Rights of Courts of Justice* (London, 1676) [Wing P2002], 115, 135–46, 138, 145–52.

<sup>121</sup>Bell, *op. cit.*, 90–94; Paul, *op. cit.*, Chapter 7; Muldrew, *op. cit.*, 286–89; Shepard, *op. cit.*, 44–45.



organization, and even paid for some prisoners' release. Without this relief – much of which was voluntary, piecemeal and even face-to-face – London's prisons would have experienced a greater crisis, further overpopulated with prisoners completely deprived of means of subsistence. Charity made up the shortfall inherent in this system of policing debt. Yet it also placed prisoners at the mercy of moral judgement with material consequences, leading to growing concern about how charity should be deployed to fulfil the contested purpose of incarceration. As a result, both practices and discourses of charity shed new light on developing ideas about the prison's role in maintaining social and economic order, especially within credit networks.

For all the freedom that self-governed charity offered prisoners in managing their own affairs, reliance on aid also subjected them to the moral judgement of state and society. Historians have revealed the extent to which the early modern state sought to direct and control even informal or voluntary forms of giving towards normative ideals of morality and social discipline. Whether by attempting to steer charitable giving, encouraging the formalization of charitable organizations or even bringing informal charity under the auspices of local government, governors found ways to ensure that such aid served the social order.<sup>122</sup> Indeed, examples from the prison reveal how the state and civic government could interpose themselves within even fleeting acts of voluntary charity in an attempt to maintain morality and order within potentially unruly institutions.

The very existence of prison account books reveals attempts at regulation. Ostensibly intended for internal accountability – potentially audited by other prisoners such as the assistants – they also allowed for external scrutiny. Tellingly, the City of London mandated that prisoners in Newgate should keep such accounts following an investigation into alleged corruption by the steward there.<sup>123</sup> Likewise, the Fleet account provided valuable evidence during the investigation by the Commission on Fees into Cranfield's purported embezzlement. This was based on accusations by the prison keeper, which were reputedly part of a conflict between prison officials and certain members of the charity.<sup>124</sup> Similarly, although Ludgate's charity accounts were kept autonomously by prisoners, the

<sup>122</sup>Innes, 'Mixed economy', *op. cit.*, 143, 156; Archer, *op. cit.*, 198–200; Hindle, *op. cit.*, 67–71; Evans, *op. cit.*, 421–25. See also N. Terpstra, 'Confraternal prison charity and political consolidation in sixteenth-century Bologna', *The Journal of Modern History*, 66, 2 (1994), 217–48.

<sup>123</sup>LMA, Rep. 46, fos. 453r–v; LMA, Rep. 47, fo. 184r.

<sup>124</sup>For the accusations see TNA, E 215/152 and 939, Commission on Fees, report to Charles I, 16 April 1633. For notes on the investigation see TNA, E 215/905–908, 924 and 1621, Commission on Fees, Fleet charity notes. On the intersections of record-keeping, power and governance see A. Wood, 'Tales from the "Yarmouth Hutch": civic identities and hidden histories in an urban archive', *Past & Present*, 230, S11 (2016), 213–30; P. Griffiths, 'Secrecy and authority in late sixteenth- and seventeenth-century London', *The Historical Journal*, 40, 4 (1997), 925–51; P. Slack, 'Government and information in seventeenth-century England', *Past & Present*, 184 (2004), 33–68.

practice also allowed the keeper to garnish his fees and rents from prisoners' charity shares before they were distributed. According to Johnson, this was done under 'pretence of an Order' from City government and often left prisoners empty-handed.<sup>125</sup> Furthermore, mandated accounting was often accompanied by oversight of the distribution of charity money. House boxes were typically closed with two or three locks, only one of which was held by prisoners.<sup>126</sup> City of London authorities regularly ordered that the keys should be held by some combination of the steward, the keeper and/or an external representative. In Newgate these representatives were 'visitors', appointed by the Court of Alderman to inspect the prison and ensure that its rules were observed and its charity correctly distributed.<sup>127</sup> In 1684, this role for Ludgate was fulfilled by the sheriffs of London after the steward failed to provide charity accounts to the Court of Aldermen.<sup>128</sup> Thus, although accounts were kept by prisoners, they were nonetheless among mechanisms established to facilitate external supervision of prison charity.

Furthermore, the introduction of formal roles within charity self-government might aim to control prisoner behaviour. In particular, criers and gatherers were intended to regulate free-for-all begging and minimize social disturbance. Concerns over this nuisance were perennial. As early as 1487, the City of London had attempted to rationalize begging in Newgate, to 'take away the greate multitude of prisoners' going daily 'into the City for to gather Almes'. They aimed to bring practice in line with Ludgate by limiting the number of gatherers to four. This also served to trammel all alms through the formal charity system rather than straight into the hands of begging prisoners, whom City officials feared were prone to 'devoure and wast[e]' it.<sup>129</sup> Despite these efforts, complaints of 'Clamours' around Newgate continued into the late seventeenth century. In May 1674, inhabitants of Newgate Street, which passed by the prison, protested that many had been forced to leave their homes by the 'great annoyance and damage occasioned to them by the continuall Noises of the Prisoners begging', which included the use of baskets and boxes hung from the windows. Eventually, the Court ordered that to 'prevent all disturbance by begging' prisoners should be prohibited from soliciting at the windows and instead an iron box should be set up for alms, attended by a single prisoner 'as is now in practise' in Ludgate.<sup>130</sup> Formalized begging was thus an attempt – albeit one met with mixed success – to ensure that the prison population did not intrude excessively into civic life.

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<sup>125</sup>LMA, CLA/033/01/005, Ludgate book, fos. 17v, 34r; Johnson, *op. cit.*, 54–57.

<sup>126</sup>For the Fleet, see TNA, E 215/58D, Proceedings minutes book, fo. 419r.

<sup>127</sup>LMA, CLA/032/01/008, Orders for Newgate, 11 May 1574, fo. 2r; LMA, Court of Common Council Journal 40, fos. 36r–v.

<sup>128</sup>LMA, Rep. 90, fos. 16r, 18v, 23r. See also LMA, CLA/033/01/005, Ludgate book, fo. 34r.

<sup>129</sup>LMA, CLA/032/01/008, Orders for Newgate, 19 April 1487, fos. 2r–3r. For similar attempts in 1587, see LMA, CLA/032/01/008, Orders for Newgate, 11 May 1574, fo. 1r.

<sup>130</sup>LMA, Rep. 79, fos. 216r, 220r–v.

Even in Ludgate, where begging was already formalized, control could be tightened. In January 1659, the Court of Aldermen restricted the appeals that Ludgate's prisoners could make for alms, ordering that criers should use 'no other words or form' for begging than 'this forme of peticon only, Pray Remember the poor prisoners', a phrase also used in the Fleet (Figure 1).<sup>131</sup> Such formalization was not inconsequential; as Tim Hitchcock explains, 'words and symbols' were vital to early modern begging.<sup>132</sup> Prisoners soon complained that this change had damaged their income and that in the process of treating an obvious symptom (their disruptive begging), this policy aggravated its deep-seated cause (their deprivation). Their usual 'dolorous melving [i.e. mewling] and compassionate expressions', discomfiting as they may have been, were both best suited to their 'sad and almost starved condition' and more likely to 'prevaile and work upon the passengers to grant them their charity'.<sup>133</sup> As far as prisoners were concerned, then, the most pronounced effect of this injunction was to diminish the informal giving upon which they relied. Yet their complaint went unheeded. Instead, the introduction of formal offices for begging acted as a means of generating order and discipline around the prison, potentially to the detriment of charitable income and prisoner autonomy.

Indeed, it was made clear to prisoners that charity was contingent upon moral conformity and that failure to comply risked the withdrawal of aid. In the mid-seventeenth century, the keeper of Ludgate requested a raft of new ordinances for its governance, many addressing prisoners' immoral behaviour and its effect on the prison's reputation. This included prohibiting meetings between male prisoners and female visitors (other than close relatives) to avoid the 'suspition and scandall which hath been layed upon the house'. Likewise, the keeper complained that 'much strong drink hath been secretly taken in at the grate or hole where the Cryer Cryeth for Charity'. Worse still, this had been noticed by neighbours and others outside the prison, presumably tarnishing the prison's reputation (not to mention the keeper's profits from selling beer).<sup>134</sup>

Such ill behaviour and disrepute risked damaging charity income. In the Fleet, Cranfield stood accused of profligate spending on drink, food and other luxuries 'not beseeming a man mayneteyned by charitie', causing 'charitable minded benefactors to w[i]thdraw theire charitie from the poore'.<sup>135</sup> Likewise, in 1601, the self-government of Ludgate passed bylaws

<sup>131</sup>LMA, Rep. 66, fos. 186r, 196r. This formula persisted into the nineteenth century: J. Howard, *All Mistaken* (London, 1672) [Wing H2979], 30; R. Chambers, *The Book of Days*, 2 vols (London, 1869), vol. 1, 466.

<sup>132</sup>Hitchcock, *op. cit.*, 493.

<sup>133</sup>Anon, *To the Supream Authority of This Nation, the Parliament of the Common-Wealth of England: The Humble Representation and Adresse of the Prisoners of Lud-Gate* (London, 1660) [Wing T1740A], 17–18.

<sup>134</sup>LMA, CLA/033/01/005, Ludgate book, fos. 33v–34r, 46r–v.

<sup>135</sup>TNA, E 215/898/8, Articles to the Commission on Fees, fo. 407r. For such concerns in print, see Firmin, *op. cit.*, 41.

against drinking after hearing from benefactors that their ‘charitable devoc[i]ons’ had been ‘much hindered’ by reports of drunkenness and disorder. Later in the century, a similar order was made against the sale of tobacco, the cause of ‘late meetinges & sitting up in the night’ recently noticed ‘by the watch & passengers in the streete w[hi]ch tendes much to the hindrance of the house by the losse of that Charitie w[hi]ch hath usually byn given’. The upshot was to extend this moral judgement into the prison, as any prisoners in repeated contravention would be barred from receiving charity.<sup>136</sup> Just as some official roles for prisoners were introduced to reduce the social nuisance of prisons, so too could they enforce moral discipline within the prison. While keepers removing prisoners from the charity to their own ends could arouse complaints, here punitive removal became a means of extending the reformation of manners into the prison that was sanctioned and enforced by prisoner self-governance.

Such practices were echoed in normative discussions of imprisonment for debt and prison charity. Numerous contemporaries emphasized the punitive and deterrent potential of imprisonment to mould behaviour, a function that was not abrogated by necessary acts of charity. In 1659, defenders of pre-judgement arrest for debt argued that ‘fear of a Prison’ would make debtors ‘follow their Callings, spend less, and save something to pay their Debts’.<sup>137</sup> Likewise, Philipps insisted that ‘[w]here a man hath nothing in his purse to answer the Law, he ought to suffer for it in his Body’. Such discipline not only acted on the individual malefactor, but extended to society at large in an exemplary manner, ‘that the punishment of a few may operate as much as if all did partake thereof’.<sup>138</sup> These punitive and deterrent aims had to be accounted for when providing aid to prisoners.

To this end, as with so much of early modern charity, discriminatory giving had disciplinary potential. In 1685, the author of *Provocation to Good Works* insisted that while prison charity was necessary, it should not be allowed to undercut the punitive work of incarceration. While charity that freed prisoners for small debts ‘doth a Good Work’, this did not apply to unscrupulous debtors. For such prisoners, incarceration was necessary as a means of punishment and incapacitation. They were ‘so pernicious to humane Society, that a Prison is the fittest place for them, and the best Charity to these is to provide so that they may be kept to work in Prison’ (a rare proposal to extend experiments in hard labour into the debtors’ prison). Releasing such individuals from prison would only ‘set them at liberty to cheat and couzen and run

<sup>136</sup>TNA, E 215/961, Orders concerning Ludgate, pp. 3, 8 (unpag.). See also LMA, Rep. 47, fos. 184v–185r; TNA, E 215/898/8, Articles to the Commission on Fees, fos. 407r–408r.

<sup>137</sup>Anon, *Reasons for the Continuance of the Process of Arrest* ([London, 1659]) [Wing R513]. On deterrence, coercion and punishment in eighteenth-century debtors’ prisons, see Paul, *op. cit.*, 113–15, 191–213.

<sup>138</sup>Philipps, *op. cit.*, 146, 149.

in debt with all they can meet with that are of a credulous temper', an act that 'deserves not the name of Charity'.<sup>139</sup> Such sentiments were echoed in benefactors' wills: as Claire Schen explains, traditional provisions to redeem prisoners for small debts found new resonance with distinctions between undeserving and deserving objects of charity.<sup>140</sup> These donations could be combined with a preference for orderly and disciplined prisoners. Sir John Fenner's will (proved in 1634) provided charity to redeem those 'fittest to be released and . . . likely to doe good when they are at liberty and not harme'.<sup>141</sup> Within a social, economic and moral context that intertwined credit, trust and reputation, the dichotomy of the deserving and undeserving debtor justified punitive imprisonment as a means of protecting society from malevolent economic actors while providing charity to those deemed worthy.

Yet such distinctions were not always static, and some commentators believed that the prison had potential to reform the behaviour of recalcitrant and irresponsible debtors. In this account, incarceration was not simply the tool of merciless creditors nor a necessary means of punishing and isolating those unrepentant for breaches of trust. According to William Bagwell's *Distressed Merchant*, in the hands of a merciful creditor, imprisonment did not just coerce debtors into payment, but also remade their defective characters. Through the isolation of incarceration, the debtor would leave his 'former folly' and 'feare to run in debt':

That he'le a new man be, and by Gods grace  
Will learne in godlinesse to grow a pace:  
Then though thy debt he doe discharge, yet still  
He's thy debtor, but not against thy will.

Thus, imprisonment became an act of charity in itself. Prisoners who had formerly run into uncontrollable debt were supposedly transformed into more responsible and righteous economic actors, redeemed by the grace of both God and creditor alike.<sup>142</sup>

Others likewise saw the hardships of incarceration as an opportunity for moral rehabilitation and spiritual salvation. As the author of *Christian Charity to Poor Prisoners, Especially Those for Debt* put it, prisoners 'shall be so affected with their sufferings as to cause them to break off their Sins by true Repentance, and to see to the well regulating of their Lives'. This was a conjoined process of religious deliverance and social improvement. The 'shackling and fettering of the Body' became 'a means of the freedom and enlargement of the Soul and

<sup>139</sup>Anon, *Provocation to Good Works*, *op. cit.*, 90–91.

<sup>140</sup>C.S. Schen, *Charity and Lay Piety in Reformation London, 1500–1620* (Aldershot, 2002), 184–85. See also Jordan, *Philanthropy*, *op. cit.*, 264–66.

<sup>141</sup>TNA, PROB 11/165/105, Will of Sir John Fenner, 6 February 1634; TNA, C 93/21/6, Commission for Charitable Uses, 9 March 1651, item 1; Pugh, *op. cit.*, 324.

<sup>142</sup>W.B[agwell], *The Distressed Merchant* (London, 1645) [Wing B437], 53–54.

Mind', affording prisoners time for the self-improvement and spiritual reflection required to become godly and virtuous members of society. To this end, the author drew parallels to Athenian merchants who, upon suffering losses at sea, concluded that 'now Providence . . . would have him turn Philosopher, so let your outward loss of your Estate be made up by you in vertue and goodness'.<sup>143</sup> This was a combined process of civic improvement and religious salvation.

Even Bernard – who primarily blamed 'mercilesse' creditors for expanding prison populations – promoted the prison's rehabilitative potential. He saw it as a place of spiritual potential, largely thanks to the concentration of 'poore, distressed, naked, and most miserable soul's [sic]'. This was 'a schoole of affliction, and affliction by Gods grace may be a good preparative unto conversion' if combined with the 'Spirituell Charitie' of proselytization in prison.<sup>144</sup> To this end, Bernard called for pity and the charitable payment of small, 'involuntary and unavoydable' debts only under specific conditions: 'if the poore men have lived honestly by their labours, and industrious courses, and do promise a reformation of their wayes, wherein they have been defective'.<sup>145</sup> Like other authors, he sifted poor debtors into deserving and undeserving camps, but nonetheless made clear that both had fallen short morally. The distinction (fuelled in part by Calvinism) was in their capacity for salvation, which drew upon the belief that discriminate giving in general could encourage national moral reform.<sup>146</sup> Material charity, spiritual conversion and social rehabilitation in prison were thus closely bound together.

Not all were so optimistic about the prison's potential for spiritual and civic improvement. Metaphors of prisons as schools and universities, as used by Bernard, more commonly emphasized curricula of vice, moral erosion and infamy.<sup>147</sup> Even the author of *Christian Charity to Poor Prisoners* recognized that prisons were decidedly grim and ungodly places, full of swearing, blasphemy and conflict. Yet, in this telling, such depravity did not reflect the corrupting influence of the prison so much as the prisoners'

dismal prospect of their ill-spent lives, their folly . . . carelesly, or prodigally, spending their Estates, and ruining themselves and their Families, their Fraud, Oppression, and Injustice in their former trading and dealing in the World, with the many sufferers occasioned by them, and their inability to make satisfaction to those they have so wronged.<sup>148</sup>

<sup>143</sup>P.A., *Christian Charity to Poor Prisoners, Especially Those for Debt* (London, 1696) [Wing A22], 3–7, 9.

<sup>144</sup>Bernard, *op. cit.*, 347–48.

<sup>145</sup>Bernard, *op. cit.*, 384–85, 392. My emphasis.

<sup>146</sup>On discriminate giving, see Hindle, *op. cit.*, 99–104, 168; Todd, *op. cit.*, 137–38; Slack, *Poverty and Policy*, *op. cit.*, 20–22; P. Slack, *From Reformation to Improvement: Public welfare in early modern England* (Oxford, 1998), Chapter 2.

<sup>147</sup>B[agwell], *op. cit.*, 12; Anon, *Liberty Vindicated against Slavery* ([London], 1646) [Wing L2137]; M[y]nshull, *op. cit.*, 3–4; E. Ward, *The Metamorphos'd Beau, or, the Intrigues of Ludgate* (London, 1700), 5–6, 9–10; McGowen, *op. cit.*, 219.

<sup>148</sup>P.A., *Christian Charity*, *op. cit.*, 10–12.



In this view, the debtors' prison was debased by the accumulation of individuals left ruminating over their moral failure within social relations of credit and trust. However, unlike in Bernard's telling, this was seen as a potential barrier to – rather than a 'preparative' for – redemption.

Nonetheless, both Bernard and the author of *Christian Charity* agreed that all defaulting debtors had, to some degree or other, failed morally and that rehabilitation was only available via spiritual reflection and virtuous employment (albeit broadly defined) available in prison. Alongside reformed behaviour, Bernard also called for promises of 'circumspection and diligence in their calling' from charity recipients.<sup>149</sup> If prisoners' former trades were unavailable, *Christian Charity* suggested that vocation could be found 'in performing friendly Offices to your Fellow Prisoners' and the 'honest lawful Recreation and Diversion' of religion. Although more pessimistic than Bernard, the author also emphasized the opportunity during incarceration to consider one's moral failings and seek salvation, for 'he hath no such Reason to complain of his want of employment, who hath a Soul and Mind to adorn with Knowledge, Virtue, and Religion; and a Soul to save from Eternal Misery and Ruin'. The choice was therefore whether imprisonment was spent in mutually corruptive collective anguish – the peril of 'wicked Company' – or edifying self-reflection.<sup>150</sup> The reformatory outcome thus relied on the repudiation of past wrongs alongside the careful ordering and regulation of mind and regimentation of behaviour to effect a spiritual transformation into a more trustworthy social actor. It encouraged self-imposed discipline and a degree of atomization, turning inwards. In this sense, attitudes towards the debtors' prison expressed in some discourses on charity (often by puritans) contained the seed of the penitential separate model of imprisonment that would rise to prominence in Calvinist- and Quaker-led reform movements a century later.<sup>151</sup>

## Conclusion

The moral logic of early modern debt gave new disciplinary meanings to the prison, emphasized by the potential for social judgement inherent to charity. Increased litigation and incarceration created a new need for prison relief that was met with a wide variety of state, institutional and personal responses. Ranging from parish rates and customary court gifts to coins dropped into beggars' boxes, this economy of relief was vital to the subsistence of many prisoners and structured prisoner society. Yet it also ensured that a large portion of the prison population was subject to discipline and reliant upon both the

<sup>149</sup>Bernard, *op. cit.*, 384.

<sup>150</sup>P.A., *Christian Charity*, *op. cit.*, 12. On the distinction of employment for debtors and proposed hard labour for felons, see also Firmin, *op. cit.*, 41.

<sup>151</sup>M. Ignatieff, *A Just Measure of Pain: The penitentiary in the Industrial Revolution, 1750–1850* (London, 1978), Chapter 3; Foucault, *op. cit.*, 120–26, 235–47.

goodwill of neighbours and the benevolence of political and legal authorities. Prison charity was not simply an act of empathy, but a vector of moral judgement. It was subject to forms of discriminatory giving and state regulation that could fashion aid into a tool of social and economic discipline targeted against its recipients. To be incarcerated and destitute was to become dependent, subordinated and subject to discipline. Indeed, the growing prominence of imprisonment for debt fostered novel ideologies of incarceration within the ethical context of the credit economy. During a period of rapid social and economic change, prisons took on new logics as tools for policing social relations and as institutions of moral judgement, punishment and reform, which were played out in the provision of charity upon which prisoners depended.

Discussions and practices of prison charity reveal how imprisonment for debt was understood in not only coercive but also punitive and rehabilitative terms within a system of credit focused upon personal reputation, trustworthiness and moral judgement. Despite the recognition of a social calamity within prisons, proposals for major reform were slow to develop. Certainly, some calls for abolition emerged in the later seventeenth century: in 1678, one commentator on charity lamented ‘how many *Thousands* of his Majesties Subjects are yearly ruined by unjust Vexations and trivial Suits; their bodies *buried alive* in Prisons, and their Families reduced to a *Parish-charge*’, calling for reconsideration of the ‘whole business’ of imprisonment before judgement.<sup>152</sup> Such arguments originated in the radical political ferment of the English Revolution, but their main achievement was to secure periodic, ad hoc release (though not remission) for prisoners for small debts meeting strict conditions.<sup>153</sup> Even this was a form of state intervention that attempted to sift deserving from undeserving prisoners without structurally upsetting the rights of creditors over the bodies of their debtors. Much like prison charity, this alleviated the worst pressures on the system rather than reforming it, demonstrating a remarkable social and political commitment to imprisonment for debt. It was only in the nineteenth century that charitable organizations grew increasingly sceptical about the suitability of imprisonment for debt, and wholesale reform became thinkable.<sup>154</sup> Arguably, this shift required a drastic reconceptualization of credit, debt, criminality and the prison, only occurring as the prison became entrenched as a tool of social discipline of a different order.

The broad narrative of modern prison reform and its growing significance to criminal justice is familiar: as the scaffold and transportation became, in their own ways, increasingly untenable, the prison emerged as a newly ordered, even and predictable form of punishment. Recoiling from either its

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<sup>152</sup>Philo-Anglicus, *Bread for the Poor* (London, 1678) [Wing B4337], 6–7. Original emphases. See also Firmin, *op. cit.*, 42.

<sup>153</sup>Bell, *op. cit.*, 88–93, 380–82, 390; Firth and Rait (eds), *op. cit.*, vol. 2, 240–1; *Journal of the House of Commons*, vol. 6, 288–90; Veall, *op. cit.*, 149–51; Wakelam, *op. cit.*, Chapter 5.

<sup>154</sup>Finn, *op. cit.*, Chapter 4, esp. 126–28, 161–62; Haagen, *op. cit.*, 228–29, 235–38.

inhumanity or its arbitrariness, reformers balked at the pre-modern prison and refashioned it – with varying degrees of success – into the modern penitentiary.<sup>155</sup> Yet this apparently hard break with the unreformed prison has obscured the extent to which pre-modern developments laid the groundwork for its modern counterpart. As historians have shown, with the growth of houses of correction, early modern authorities increasingly used imprisonment at hard labour as a method of punishment and moral reformation for vagrancy and petty crime. From the late seventeenth century, this expanded to incorporate minor felonies and other convictions, part of a malleable and experimental system of ‘penal pluralism’, as Joanna Innes and John Styles have termed it.<sup>156</sup> This did not take place in isolation from the debtors’ prison. Tellingly, some arguments about the moral efficacy of debtors’ prisons arose during late seventeenth-century debates over the potential of workhouses to relieve the poor and discipline the labour force through the regimentation of their bodies and the habituation of work.<sup>157</sup> While imprisoned debtors, the poor and felons presented social problems requiring different kinds of solution, they were connected by the prison. For example, Firmin not only proposed aid for deserving debtors and hard labour for felons in conjunction, but saw a slippery slope between the two populations. If charity released idle debtors without vocations, he argued, they were prone to be ‘taken out of one Prison for Debt, and in a short time thrown into another for Felony’.<sup>158</sup> As far as contemporaries were concerned, social phenomena of debt, poverty and crime were connected by the prison, and only rehabilitation could avoid further moral degradation among its populations.

From the mid-sixteenth century onwards, then, the growing significance of imprisonment for debt in policing everyday social relations fed into new understandings of what the prison was for. To be sure, punitive conceptions of incarceration had jostled with its custodial and coercive uses since long before 1550 (and with particular intensity since the rise of houses of correction thereafter), and in the early modern period prisons remained distinctly different in scale and type to their modern successors. Yet as concerns over the fragility of credit networks grew, the prison took on new significance within quotidian social relations that were understood in particularly ethical terms of trust, reputation and morality. It allowed creditors to lay claim to debtors’ bodies as security for financial obligations based on otherwise intangible assets. In this sense, the body took on a symbolic role apt for an age of judicial spectacle,

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<sup>155</sup>Foucault, *op. cit.*; Webb and Webb, *op. cit.*

<sup>156</sup>Innes and Styles, *op. cit.*, 234; Innes, ‘Prisons for the poor’, *op. cit.*, 46–90; Beattie, *op. cit.*, 298–309, 319–335, 490–500; Beier, *op. cit.*, 164–69; Shoemaker, *op. cit.*, 162–3, 166–97; McGowen, *op. cit.*, 219–22.

<sup>157</sup>Firmin, *op. cit.*; Philo-Anglicus, *op. cit.*; J. Tully, ‘Governing conduct: Locke on the reform of thought and behaviour’, in J. Tully (ed.), *An Approach to Political Philosophy: Locke in contexts* (Cambridge, 1993), 234–9; Innes, ‘Prisons for the poor’, *op. cit.*, 46–47, 81–85, 89. I am grateful to Edward Legon for discussions on this topic.

<sup>158</sup>Firmin, *op. cit.*, 39–44.

making failures of credit public through its confinement. Yet it also provided material leverage in the judgement and discipline of individual moral character that could not be resolved through the binary applications of brutality and mercy that typified early modern criminal punishments.<sup>159</sup> Instead, imprisonment for debt involved more subtle applications of power that punished breaches of contract whilst also reforming the prisoners' character. The early modern prison offered – at least in theory – both punitive and rehabilitative justifications of discipline for debtors that are more commonly associated with its eventual prominence in criminal punishment.

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<sup>159</sup>Foucault, *op. cit.*, Part 1; Hay, *op. cit.*