

Reading *Utopia* in the Reformation of Punishment

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Recent scholarship on the first English translation of Thomas More's "Utopia" has asked how its publication in the 1550s fits with the larger agenda of Protestant Reformers who promoted the book alongside their other civic projects. This article argues that the initiatives of greatest relevance were the new house of correction at Bridewell (est. 1553–57) and the infamous Vagrancy Act of 1547–49, which failed to introduce slavery as a punishment in English law. Evidence of user interactions with the 1550s editions, including indexing, annotation, commonplacing, and quotation, helps to analyze how the text's complicated ideas about penal labor were received and reemphasized by early English readers.

INTRODUCTION

“The best known feature of Utopian life is its communism,” as Dominic Baker-Smith recently put it, and so one might think the most influential aspect of the original *Utopia* (1516) by Thomas More (1478–1535) has always been its criticism of private property.¹ In contrast, this article argues that *Utopia*'s most notable idea, at least in the two earliest editions of Ralph Robinson's (1520–77) first English translation (1551, 1556), was the protagonist Raphael Hythloday's contention that thieves ought to be put to work rather than put to death.² If, as Miguel Abensour suggests, “there are statements that function as genuine institutions,” then this might have been the closest thing More's dialogic *Utopia* had to a singular statement in the sixteenth and seventeenth centuries.³ This idea has been called by at least one modern historian “the More tradition” for its influence on English penology, and was frequently marked by early modern

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¹ Baker-Smith, 152.

² Bennell.

³ Abensour, 4.

readers, as my own article will show.⁴ Scholars continue to cite *Utopia* as a milestone in the shift toward corrective or rehabilitative ideology in English punishments, witnessed by aspects of early poor laws passed in 1536, 1547, 1576, 1598, 1610, 1646, and 1649, and especially by the penal “revolution” begun at Bridewell, the original house of correction, in 1553.⁵ Jennifer Bishop has recently strengthened these claims by establishing many ways in which the same people who commissioned, printed, and permitted the first editions of Robinson’s *Utopia* also advocated for and administered institutions such as the Royal Hospitals in the 1550s.⁶ Within and extending the network described by Bishop, this essay will ask what it means both for these historical contexts and the literary text that so many connections existed between the 1550s *Utopias*, Bridewell, and a third point of contact: the unusual Vagrancy Act of 1547–49, which had attempted to institute slavery as a punishment for petty crimes in England.⁷ Due to the specificity of these historical projects, my analysis of *Utopia* will be principally concerned with its arguments as formed and subtly reformed by the English editions of the 1550s, and as tracked by readers of these editions.

However, the enduring power of “the More tradition” in English penology cannot be understood without accounting for *Utopia*’s humanist rhetorical structures, or without attending to the formal as well as ethical ironies that inflected its arguments. How was the polemic Hythloday leveled against disproportion in English justice so popular, for example, when the alternative punishments he proposed seem almost equally disproportionate: not death but life as a punishment for theft—not a swift death but a lifetime of labor? How should one consider Utopian property to be truly held in common when Utopia’s bond slaves and penal servants, too, are held in common? How could labor be called fully communal in Utopia when enslaved immigrants and prisoners do all the most demeaning work? *Utopia* may have issued the most radical call for penal reform then circulating in England, but it also described a set of labor programs that were unsettling in other regards—especially when taken to be congruent with the enthusiasms of institutionally minded Reformers at various points in the sixteenth and seventeenth centuries, during the rise of work discipline as a form of English poor relief.⁸

⁴ Davies, 541–42.

⁵ Beier, 2002, 33. On *Utopia*’s influence, see McCutcheon, 1991, 98; Spierenberg, 1996, 20; Guasco, 35; Beier, 2016, chapter 9 at footnote 78; Nyquist, 625; on Bridewell’s significance, consider Sharpe, 260. Slack, 1990, 59–65, offers a succinct overview of developments in early poor laws.

⁶ Bishop.

⁷ Luders, 4:5.

⁸ Spierenberg, 1996, 20. Beier, 2016, chapter 9 at footnote 78.

Any discussion of *Utopia*—and this article in particular—contains implications for an unusual disciplinary nexus. For Renaissance scholars and debates regarding *Utopia*'s particular brand of humanism, this article extends existing arguments for the civic, Ciceronian interpretation.⁹ For Marxist literary scholars and those interested in utopianism more abstractly (or what Ernst Bloch called a “principle of hope”¹⁰), my intervention reverses readings that take the text's positions on crime to be a function of its larger economic polemic, instead suggesting how the original *Utopia*'s ideas about punishment and slavery could be separated from and taken more seriously than its ideas about property. For histories of reading in the early modern period, I provide a case study of two editions of one “enormously influential” book, combining evidence of reader interaction from printed marginalia, manuscript marginalia, commonplacing, and other forms of extraction, as well as quotation.¹¹ While my survey is restricted to interactions with copies of the 1551 and 1556 editions due to their proximity to the founding of Bridewell and the 1547–49 Vagrancy Act, reader responses span a much wider period, from the mid-sixteenth to the mid-eighteenth century, roughly. Although these readers included lawyers, politicians, and at least one Bridewell administrator, and while I have done my best to note identifications wherever possible, many of the interactions collated here remain anonymous or difficult to date within that wider period (beyond their style of hand). So while I will argue that the people behind these two editions had specific interests prepublication, and that the resulting editions had specific relevance at the times of their publication, this study also attests to the topicality of these matters across a longer period, postpublication.

Intriguing patterns in *Utopia*'s reception can be discerned by such an approach. For example, readers tended to be far more active among the many commonplaces of book 1 than in the strange terrain of book 2, as my own research and a similar survey of marginalia in other copies of *Utopia* by Stephanie Elsky has suggested.¹² This might seem odd, since it is now

⁹ For the civic and Ciceronian position see, especially, Skinner; for a powerful counterargument, Nelson.

¹⁰ Bloch.

¹¹ Slights, 158. Grafton and Jardine remains a foundational and much-cited study.

¹² Elsky, 206. Many copies I consulted contain heavier markings in book 1, including four copies where marking is found only in book 1: Brown University Library (hereafter Brown), D556 .M836f; Folger Shakespeare Library (hereafter Folger), 18094, copy 2; Folger, 18095.5, copy 2; Harry Ransom Center Library (hereafter Ransom), HX 811. Perhaps readers were simply too bored to make it to *Utopia* and book 2. However, I find Elsky's analysis of the commonplace epistemology of book 1 more convincing. An exception to this trend would be the heavily annotated 1556 copy held by Princeton University Library (hereafter Princeton), EX 3865.5.392.83.12, where the majority of the annotations are found in book 2.

book 2's fanciful description of a society with golden chamber pots and no private property that dominates our idea of More's *Utopia*. Instead it appears to have been the more pragmatic dialogues of the first book that generated the greatest interest for early modern readers.

This article will press such observations further. A preliminary section further contextualizes these editions of *Utopia* and describes the wider culture of rhetorical and textual as well as penal correction in Renaissance England. In the subsequent analysis of book 1, I argue that Hythloday's reformist call for greater proportion in English criminal sentencing was nearly contradicted by his oddly disproportionate counterproposal for penal servitude or even slavery; but I will also show that such ironies seem not to have posed problems for those behind the apparatus of the 1551 and 1556 editions, and did not deter the enthusiasm of several early modern readers. In the section on book 2 that follows I collate a similar but less pronounced pattern of emphasis and subsequent notation, despite or perhaps due to the even greater ethical inconsistencies found there in *Utopia*'s imagined penal code and its systems of both bond slavery and penal slavery. My intent concerning *Utopia* in both sections will be not only to demonstrate in a fine-grained way how discussions of punishment and penal labor were subtly emphasized by the marginal index of the 1556 edition and by ensuing readerly interactions, but also to use this modest archive of historical interactions to modulate my own readings of the notoriously difficult text, including its brilliant wit and ambiguous tones. Finally, I will return to the related contexts of the failed 1547–49 Vagrancy Act and the birth of the house of correction as another provocative means of understanding what “the More tradition” might have meant when in action.

Overall, this holistic analysis of the text, its apparatus, its reader's responses, and some of its political and historical contexts will suggest that the most notable of all *Utopia*'s ideas, for its early modern English readership, at least, was not necessarily its critique of private property. Instead, *Utopia*'s most powerful idea may have been the rhetorical relay it formed between punishment and bondage. Or, as one “Johannes Bacon” paraphrased it in an early secretary hand in the opening flyleaves of his 1551 *Utopia*, now held by the University of Texas, “Theffecte of ye first booke . . . agaynste the puttinge of theves to dethe for roving but now rather they were put to work.”¹³

¹³ Ransom, HX 811. In transcriptions of manuscript marginalia, ellipses demarcate unquoted material, while brackets are used to indicate expanded abbreviations or brevigraphs. Some bracketed material, marked as “unreadable” or including a question mark, represents surmises for lacunae or trimmed-away portions of the text. Initial capitalization and final punctuation have been altered in some cases.

CORRECTING *UTOPIA*: 1516, 1551, 1556

In the early modern period the homonymic distinction between correction as penal rehabilitation and correction as a textual practice had not yet been sifted into the same disciplinary divisions recognized today. *Utopia*, its composition, and the political issues it addressed provide perhaps the single most intriguing case study for historicizing these intersections and overlaps.

Linguistic correction, for example, could mean not only the compositional strategy but also an ironic, rhetorical quality critics have long described in More's text. Whereas to modern readers textual correction primarily means deleting errors and fixing mistakes, in the classical and humanist rhetorical tradition in which More was working, *correctio*—that is, recalling one term only to replace it with another, more vehement one—or *metanoia* (a change of mind) meant nearly the opposite.¹⁴ As a grammatical and compositional practice of doubling down, or amplifying by insertion and dilation, correction was a means to copiousness. Thomas Wilson (1523/24–1581), who often gave a “professedly protestant and provocatively novel” bent to his *Arte of rhetorique* (printed by Richard Grafton [1507–73] in 1553), stuck close to Cicero for his example of correction: “We have broughe before you my Lordes, into this place of judgement, not a thefe, but an extorcioner and violet robber, not an adoulterer, but a ravisher of maides, not a stealer of churche goodes, but an errant traitor, bothe to God and all godlinesse: not a common ruffin, but a moste cruel cut throte.”¹⁵ As Wilson defined it, “correction is when wee alter a woorde or sentence, otherwise then we have spoke before, purposing thereby to augment the matter, and to make it appere more vehement.”¹⁶

The associations of *correctio* as rhetorical device and syntactical pattern also shaped scribes' and printers' compositional practices of correction for texts and books. As Anthony Grafton has shown, connotations of dilation rather than redaction were retained in the early age of print.¹⁷ A print corrector's job was not only to right errors, or to revise the text closer to its author's prior, singular intention; instead, Renaissance correction could change and amplify access to the text by means of new indexes, marginal indexes, or prefaces, and could not only involve “radical rewriting and the insertion of full-scale supplements” but even entail “a collaborative vision of authorship.”¹⁸

¹⁴ See the *Oxford English Dictionary* (*OED*), s.v. “correction,” *n.* 1. In early English rhetorical manuals, see Wilson, fol. 99^{r-v}; Puttenham, 300–01; for a classical example consider [Cicero], 319 (4.36).

¹⁵ Wilson, fol. 99^r; Cummings, 245.

¹⁶ Wilson, fol. 99^r.

¹⁷ Grafton.

¹⁸ Grafton, 54.

In More's case this was at first a self-collaboration, for correction was precisely the compositional and rhetorical model he followed in writing and then rewriting *Utopia*, when he reopened his originally self-contained text—what became book 2 and its standalone description of Utopia proper—to insert the dilation of book 1 with its framing dialogues, “ex tempore” and just before print publication, as J. H. Hexter has demonstrated.¹⁹ More worked backward to amplify not the severity but the ambiguity of his outcome. The text admits this, I would add, by punning coyly just as the amendment begins: “in order to correct [*corrigendis*] their errors.”²⁰ Correction was the iterative process, refracted through the addition of the text's dialogic form, which provided enough political cover for publication. This process helped shape the irony *Utopia* remains famous for: the spatio-temporal gaps between what the text seems to say one moment and what it appears to mean the next, between each “joco-serious” proposal that appears to upend itself as soon as it's settled.²¹ This is part of what made *Utopia*'s arguments particularly extractable for early modern readers, and remains part of why modern readers, more given to treating the text as a formal whole, are so deeply drawn into the imaginative reconstruction of *Utopia*'s fuller arguments and their puzzle of tones. Rhetorical and compositional correction was and remains a key feature of the text's appeal.

Meanwhile, correction was also both a philosophical justification for punishment and an actual penal strategy pursued in various intellectual and historical contexts, at least since Plato's *Laws*, famously in *Utopia*, and most powerfully when combined with a capitalist or ascetic Protestant belief in the ameliorating power of hard work (to use the shorthand of Max Weber).²² Correction is an essentially utilitarian policy goal, itself slightly ironic, in that it seeks to make the bad or necessary evil of punishment as good or beneficial for the general welfare as possible, by taking as the aim of penal activities not only retribution and deterrence but the reformation of offenders for their reintegration into society.²³ Such a theoretical aim was given its first comprehensive and recognizably modern institution for enforcement in London in the 1550s. This was Bridewell, the first “house of occupations” or “house of correction,” widely considered by historians of penology and social policy as the first prison anywhere

¹⁹ Hexter, 29. “Ex tempore” is Erasmus's phrase in his 1519 letter to Ullrich Von Hotten: Erasmus, 24.

²⁰ More, 1995, 48.

²¹ McCutcheon, 1991, 93–95.

²² Plato, 1520, 1586 (862c–e, 934a–b); Weber, 158–65.

²³ *OED*, s.v. “rehabilitation,” n. 3a.

in Europe designed to match hard labor with short, custodial sentences.²⁴ “To the established notions of punishment as deterrence and retribution,” Bridewell “added the idea that it might be possible to cure criminal instincts through a healthy dose of labor,” as J. A. Sharpe has written.²⁵

At the original house of correction, poor “vagrants,” “pilferers,” “nightwalkers,” and “beggars”—four of the criminalized identities most commonly recorded in Bridewell’s court minutes, roughly 59 percent men and 41 percent women—were whipped and imprisoned at hard labor and forced crafts for varying durations, usually a few days or weeks, with the stated intention of turning offenders into newly obedient laborers for the commonwealth.²⁶ Work included grinding corn, beating hemp, cleaning the city’s ditches, and dredging the Thames in the manner of a chain gang, while longer-term prisoners were also forcibly trained in a range of crafts that included shoemaking, nailmaking, feltmaking, and even manufacturing tennis balls.²⁷ After many whippings and long hours of work, an offender would be released, perhaps as the penitent apprentice for a new master such as Richard Brookes, a “fustian weaver” who agreed in 1602 to take on “40 vagrant boys and wenches” over a seven-year period.²⁸

Despite serious controversies, this new institutional form proliferated relatively quickly. In the earliest years, Bridewell committed more than four hundred people annually, a number that swelled to more than a thousand per year by the 1580s, and doubled again to nearly two thousand imprisonments per year by 1600.²⁹ Bridewell’s bench soon averaged twenty-six sentencings per week, meeting twice and sometimes thrice weekly, making it one of the busiest and best-documented courts in England.³⁰ London’s flagship then became the model for the houses of correction required to be built across the nation by the repeated legislative acts within the old poor laws, beginning in 1576, continuing in 1597, 1601, 1604, and with concentrated effect in 1610.³¹ Although the efficacy of these institutions was in constant question, by the 1630s England had built “a network of bridewells” that “covered the whole of England”; by

²⁴ Griffiths, 15, 17; Beier, 1985, 164–65; Beier, 2002, 33; Innes, 42, 49, 53; Spierenberg, 1991, 23–25; Slack, 1997, 237; Sharpe, 256–59; Melossi and Pavarini, 16. As opposed to the more indeterminate sentences of galley slavery and predating the more famous *tuchthuis* (work-house or house of correction) established in Amsterdam in 1596, for example.

²⁵ Sharpe, 256.

²⁶ Griffiths, 279 and appendix tables 2a, 4a, 5a, 7b.

²⁷ Slack, 1997, 234–38.

²⁸ Carroll, 111.

²⁹ Innes, 57; Hinkle and Henry.

³⁰ Griffiths, 19–20.

³¹ Innes, 62, 67; Slack, 1990, 59–65.

1618, Bridewell's convicts were being exported to the Virginia colony.³² Correctional punishments became an ideological, although long-unrealized, cornerstone of early American penal codes, as witnessed by William Penn's (1644–1718) policies and Great Law (1668) or the language of Thomas Jefferson's (1743–1826) Bill for Proportioning Crimes and Punishments (1779).³³ In a seminal analysis, Dario Melossi and Massimo Pavarini concluded that the correctional policies pioneered at Bridewell were “the most important example” in the prehistory of what would eventually become the penitentiary; the house of correction's “social function and its internal organization [were] . . . already to a large extent those of the classic nineteenth-century model.”³⁴

The long-term influence of the house of correction and its penology makes the circulation of More's corrective rhetorical arguments at its founding a point of fascination. In fact, there are a surprising number of practical connections between the translated *Utopia* and these new political projects. Bishop has recently helped illuminate the text's reception and positioning by tracing the political activities of those behind the English translation, including George Tadlowe (1505–57), Ralph Robinson (1520–77), William Cecil (1520/21–1598), Thomas Smith (1513–77), and possibly Richard Grafton.³⁵ My own focus will be restricted mostly to Bridewell and the 1547 law as the closest points for analytical comparison and historical contact. For example, although relatively little is known of the translator Ralph Robinson, his master at the Goldsmiths Company was Martin Bowes (1496/97–1566), one of the most important advocates and governors of Bridewell and the Royal Hospitals, who would have witnessed the 1547–49 Vagrancy Act in Parliament.³⁶ Importantly, George Tadlowe, the sponsor of the translation whose “procurement, and earnest request” is credited on the 1551 title page, was equally active in his role as a governor of St. Bartholomew's, Christ's, and St. Thomas

³² Innes, 43, 62, 94. Hindle, 2000, 164–69, offers more cautionary evidence from county archives; Griffiths, 284–88; Donoghue, 22–24; Ekirch, 2–4; Morgan and Rushton, 9–12.

³³ Jefferson, 493 (bill no. 64); Penn, 222 (*Laws agreed upon in England*, article 10); McKnight, 129. “All Prisons shall be Work-houses for Felons, Vagrants, and Loose and Idle Persons, whereof one shall be in every County,” declared the Pennsylvania colony's advance intentions (Penn, 222); in the subsequent Great Law, the penal code adopted at the first meeting of Pennsylvania's legislature in 1682, nearly every offense, from swearing (five days) to adultery (one year), was to be punished by varying lengths of “Imprisonment in the house of Correction at hard Labour to the behoof of the Publick” (McKnight, 129).

³⁴ Melossi and Pavarini, 32.

³⁵ Bishop, 941–50.

³⁶ Bishop, 948; Miller, 1. In addition to serving as comptroller general, Bowes often sat on Bridewell's court bench: see, for example, Bethlem Museum of the Mind, Bridewell Court Book 01, fol. 220^{r-v}.

hospitals (which were jointly administered with Bridewell); Tadlowe was also a member of Parliament during the 1547–49 Vagrancy Act.³⁷

William Cecil, to whom the 1551 edition is dedicated, was instrumental in the transfer of Bridewell to the city's control, and would have witnessed the 1547–49 Vagrancy Act in Parliament.³⁸ Thomas Smith, who authorized the 1551 *Utopia* in his role as censor on the Privy Council and witnessed the Vagrancy Act in Parliament, is even thought by some to have been the principal author of this controversial legislation.³⁹ The publishers and printers, Stephen Mierdman (1510–59) working for Abraham Veale, have been frequently linked with Edward Seymour, Protector Somerset (1500–52). Somerset's godly cohort was at this time launching its unprecedented campaign from the presses, while also enacting the institutional and legislative arms of its agenda, which included the house of correction and these early poor-law initiatives.⁴⁰ Meanwhile, Richard Grafton—the evangelical printer and most important advocate, overseer, and governor of Bridewell in its earliest years—seems to have been the social glue that connected this cohort of Edwardian Reformers to one another; Grafton also provided the link to the printer of the 1556 edition, Richard Tottel (1528–93), who was Grafton's son-in-law and professional heir.⁴¹

Bishop has thus concluded that the publication of the English *Utopia* can “best be understood as a contribution to wider efforts to construct programs of civic and social reform within local and national governmental structures.”⁴² Chloë Houston has recently agreed that the network behind the Robinson *Utopia* maintained “interests in civic reform and social change, exemplified by [their] involvement in charitable projects such as the development of the Royal Hospitals,” and that these involvements “provide an important context for the reading of the Robinson *Utopia* as a text intended to influence and contribute to efforts to promote social change through the creation of new institutions, or the reform of existing ones.”⁴³

Each of the 1550s editions was also positioned and repositioned for their two distinct historical moments. How could it be that a text by (late) More, the heretic hunter, was taken up by Edwardian gospellers in 1551, for example? Although such drastic cross-confessional politics still seem surprising,

³⁷ More, 1551, sig. [cross]^r; Hyde.

³⁸ Bishop, 945; M. A. P.

³⁹ Davies, 545; T. F. T. Baker.

⁴⁰ King; Sacks, 59–61; Bishop, 946–50; Houston, 42.

⁴¹ O'Donoghue, 160; Howes, 6, 46, 61; Warner 19; Greening.

⁴² Bishop, 952.

⁴³ Houston, 43.

influential work by Quentin Skinner and David Norbrook has considered More's original text in a tradition of civic, Christian humanism that was particularly amenable to the ethos of early Protestantism in England, despite what would have been More's own later objections.⁴⁴ In its now-outsized first two words, the 1551 *Utopia* immediately represented itself as a repurposing, if not a subtle correcting: the title promises "A fruteful" and then "pleasaunt worke of the beste state of a publyque weale"—"fruitful" was a politically charged byword for evangelical Reformers at this time.⁴⁵ David Baker has made a strong case for the Protestant repositioning of More's text by tracing many similar linguistic cues: the 1551 edition even went so far as to translate More's *De Optimo Reipublicae Statu* from one of More's 1516 title pages not only as "the best state of a common wealthe" but also as a "declaration of the Godly government."⁴⁶

In the prefatory epistle to the 1551 octavo, however, Robinson seems to defuse such tensions, in part by laying the responsibility and indeed the blame for his bold production squarely on his friend Tadlowe, who "ceased not by al meanes possible continually to assault me, until . . . he caused me to agree and consente to the impryntyng herof."⁴⁷ Tadlowe's enthusiasm proved discerning. Robinson's sometimes loose but enduringly idiomatic translation would eventually go through five editions—1551, 1556, 1597, 1624, and 1639—before any rival appeared (Gilbert Burnet's version in 1684). In fact, the Robinson translation remains in wide circulation even to this day, as the copy for the Everyman and Oxford World's Classics editions currently in print.⁴⁸

In the 1556 "corrected" edition, Robinson replaced his dedicatory preface to Cecil with a letter "to the gentle reader," possibly since Cecil's position became clouded after the accession of the Catholic queen Mary I (1516–58; r. 1553–58), and since apologies were no longer needed at that time for More's later, conservative phase.⁴⁹ Instead, Robinson feigned an apology that the fiction was ever published, and for the hastiness and haphazardness of his earlier version, submitted again here, "newlie perused and corrected,"⁵⁰ though this claim

⁴⁴ Skinner, 213–44; Norbrook, 107; D. Baker, 111; Cormack 107.

⁴⁵ Christopher, 19–20. "Fruitful and pleasant" would also surely evoke the Horatian *utile et dulce*, useful and pleasurable.

⁴⁶ More, 1551, sig. G5^r; More, 1556, sig. G5^v; D. Baker, 109. In a rare change, perhaps due to fears of Marian reprisals, this phrase (from the title page to book 2) shifts to "of the politike government" in 1556.

⁴⁷ More, 1551, sig. [cross]5^r.

⁴⁸ Cave, 87.

⁴⁹ More, 1556, sig. A2^r.

⁵⁰ More, 1556, title page (sig. A^v).

would now seem misleading, since changes in the body text are impossibly minor. Not so in the Renaissance sense: transformed formal access as well as meta-commentary by the way of a new marginal index, or “diuers notes in the margent augmented,” show the edition was notably corrected.⁵¹ This index and series of marginal glosses represented a significant departure from both the un-marginated 1551 edition and the much sparser marginal index provided in early Latin copies. As William Slights has written in a formative study, such printed marginal indexes and glosses “function[] to contextualize books in a particularly material way.”⁵² For that reason, and because the marginal glosses shaped readers’ experience of the text not only in its own day but long afterward, the effects of the 1556 index will be a focus throughout this article.

In the deprecating 1556 prefatory materials, however, Robinson was again careful to distance himself from any such contexts or influences. A telling sententia from *Utopia* was nevertheless cited: “though in any of our actes and doynges, (as it ofte chanceth) we happen to faile and misse of our good pretended purpose, so that the successe and our intent prove thinges farre odde: yet so we ought with wittie circumspection to handle the matter, that no evyll or incomoditie, as farre furth as may be, and as in us lieth, do therof ensue.”⁵³ The passage from *Utopia* that Robinson mimes was noted by at least two early readers, and remains something of a touchstone for those (such as Skinner) seeking to understand More’s *Utopia* in the tradition of Ciceronian, civic, Christian humanism: “But you must with a crafty wile & a subtell trayne studye and endeoure your selfe asmuch as in you lyethe, to handle the matter wyttelye and handsomelye for the purpose” so that “that whyche you can not turne to good, so to order it that it be not very badde.”⁵⁴ In this passage one can hear an interpretation of More’s own intentions in publishing *Utopia* in 1516, hastily corrected or ambiguously amplified, just at the moment of his entrance into the service of Cardinal Wolsey (1473–1530) and Henry VIII (1491–1547; r. 1509–47)—an interpretation as attractive to Robinson in 1551, and especially in 1556, as it continues to be today. In this understanding, More’s *Utopia* was meant not only to offer a radically imaginative, indirect form of counsel but also to signal one’s dedication to the tasks at hand, to the

⁵¹ There is also the addition of certain paratexts at the close: the letter from Giles to Busleyden (noted as a “counsellore to the catholike kinge”) and several verses in Utopian, taken over from Latin editions.

⁵² Slights, 13.

⁵³ More, 1556, sig. A3^r.

⁵⁴ More, 1556, sigs. F6^v–F7^r (More, 1551, sig. F6^r–^v); McCutcheon, 1990, 39; cf. Cicero, 116–17 (*De officiis* 1.114–15). The passage is underlined in Harvard University Library 18095.5 (B), and was commonplaced by Edward Pudsey ca. 1600: see McCutcheon, 1990, 39.

legal and administrative work of making Wolsey's (or Somerset's, or even Mary's) commonwealth slowly "less bad."⁵⁵ Robinson expresses a tempered resolve, despite the fact that theory (or "good pretended purpose") and practice ("our actes and doynges") remained at a remove from one another.⁵⁶ This seems to capture what must have been the sentiment of scattered commonwealth men during the Marian reprisals, when even the political necessity of their hospitals and their new prison did not necessarily ensure institutional survival.⁵⁷ By imagining another, this world could slowly be made "less bad." The 1556 edition, with its wry editorial apparatus, could still advance the topical project of an English *Utopia*.

BOOK 1: "MAKE THEVES, AND THEN PUNISH THEM"

Utopia's clarion call for the reform of criminal sentencing in England begins in book 1, soon after the seam identified by Hexter, or the textual stutter where More reopened the text.⁵⁸ During the retrospective dialogue at Cardinal Morton's table, an archetypal English lawyer praises the rigorous justice then being dealt to the thieves and vagrants who throng London's streets, as petty criminals are strung up to die twenty at a time on the city's gallows. But the lawyer is perplexed. Since "so fewe escaped punyshment," he wonders how it could be that thieves nevertheless remain "in every place so ryffe and ranke," in the 1551 edition, or "so ryffe and so rancke," in the 1556 corrected edition.⁵⁹ Hythloday, however, sees nothing to be surprised about. "Marvel nothinge here at," he retorts:

for this punyshment of theves [1a] passeth the limites of Justice, and [1b] is also very hurtefull to the weale publique. For it is [2a] to extreame and cruel a punishment for thefte, & yet [2b] not sufficient to refrayne & withhold men from thefte. For [3a] simple thefte is not so great an offense, that it owght to be punished with death. Neither [3b] ther is any punishment so horrible, that it can kepe them from stealynge, whiche have no other craft, wherby to get their living. Therefore in this poynte, not you onelye, but also the most part of the world, be like evyll scholemaisters, which be readyer to beate, then to teache, their scholers. For great & horrible punishmentes be appointed for theves,

⁵⁵ Cormack, 103–04.

⁵⁶ More, 1556, sig. A3^r.

⁵⁷ Brigden at footnote 339; Slack, 1990, 16.

⁵⁸ Hexter, 18–30.

⁵⁹ More, 1556, sig. C4^r (More, 1551, sig. C3^r). When quoting a parallel passage in the 1551 and 1556 editions that diverges in relatively minor points of orthography and punctuation, I provide both citations but reproduce the 1556 text.

whereas much rather provision should have ben made, that there were some meanes, whereby they myght get their livyng, so that no man shoulde be dryven to this extreme necessitie, firste to steale, and then to dye.⁶⁰

This is one of the most remarkably eloquent and convincing speeches in Robinson's translation.⁶¹ Certainly early modern readers noted it. In a 1551 copy held by the British Library, a reader who signs his name (twice) as "Hughe Pigotte" has inserted two comments on this passage in an italic hand, unfortunately partially trimmed: "England [unreadable] to thev[es]"; "[E]xcellent reasons."⁶² (Of the four significant comments Pigot made throughout his margins, three concern *Utopia's* statements on punishment.⁶³) A reader in a 1556 copy held by the Bodleian Library drew an elaborate manicule in the margin here.⁶⁴ In Brown University's 1556 copy, the previous passage was underlined, presumably by a member of the Inner Temple named "Agvstyn hynd," who also dates his elaborate autograph to both 1571 and 1572 (fig. 1).⁶⁵ In a sixteenth-century manuscript of law readings held by the British Library, extracts from *Utopia* including this passage are commonplacéd: "the punishment for thefte in England is to extreame [and] cruell . . . for simple thefte is not so great an offence, that it ought to be punished with death," and so on.⁶⁶ This was what John Bacon noted as a point "of ye first booke . . . agaynst the putting of theves to dethe," when "rather they were put to work."⁶⁷ Indeed, "however difficult it may be to determine what More thinks of Utopia," as George Logan has written, it has long seemed "perfectly clear what he thinks of the present condition of England."⁶⁸

⁶⁰ More, 1556, sig. C4^{r-v} (More, 1551, sig. C3^{r-v}). See Logan, 50, for the diagramming of the passage inserted here in brackets.

⁶¹ Elton, 42–45.

⁶² British Library (hereafter BL), c.38.a.11, sig. C3^{r-v}. See Laughton and Jamieson; Laughton and Coats; Savage, 30. See BL, c.38.a.11, sig. S3^v: "Hughe Piggotte is my name"; and sig. P8^v: "Hughe Piggott . . . is the owner of this booke." Spelling in the marginalia suggests an early owner, perhaps one "Hugh Piggotte" mentioned in the Parish Register of Stratford in 1580; doodles in the flyleaves could suggest a later owner, such as Hugh Pigot (1722–92), naval officer and MP, or his son, also Hugh (1769–97), also a naval officer.

⁶³ BL, c.38.a.11, sigs. C3^{r-v}, C5^r.

⁶⁴ Bodleian Library (hereafter Bodleian), Tanner 66 (1), sig. C4^r.

⁶⁵ Brown, D556.M836f, sigs. C4^r, B^v: "Thys booke belongethe / vnto Awgvstyn hynd / of the Inner temple of / london gentyman / bowght 2 of Ianvarye / 1571 1572 1571." Hynd makes an unusual note of both the Julian and Gregorian calendar years at a time when 1572 would not have begun for the English until March 25.

⁶⁶ BL, Hargrave MS 89, fol. 3^r.

⁶⁷ Ransom, HX 811, front flyleaf.

⁶⁸ Logan, 49.

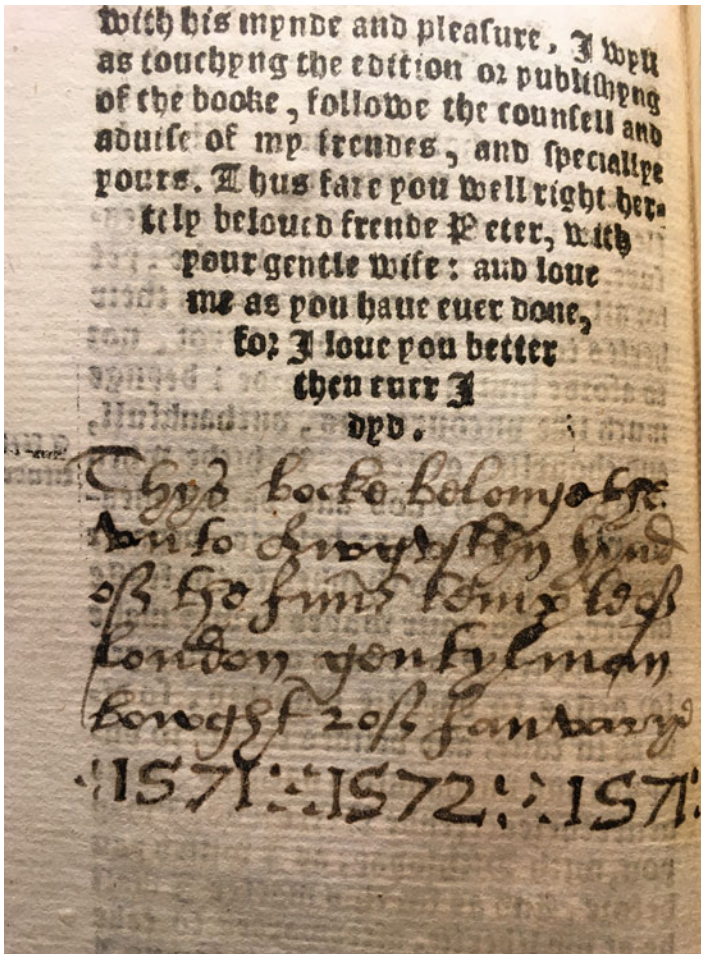


Figure 1. Inscription of “Awgystyn hynd,” Brown University Library, D556 .M836f, sig. B^v. Courtesy of the John Carter Brown Library at Brown University. Author’s photo.

What, then, is Hythloday’s meaning? Death as a punishment for theft is both unjust and ineffective, he argues; it is neither moral nor expedient. First, this punishment is flawed primarily because it is disproportionate: too harsh, too extreme, too horrible. There is no fit between the punishment and the crime, and therefore, “I thinke it not ryght nor justice, that the losse of money should cause the losse of mans life.”⁶⁹ Pigot’s marginalia were again partly trimmed: “the losse of [mo]nie ought [not] to be the lo[sse] of anie

⁶⁹ More, 1556, sig. D4^r (More, 1551, sig. D3^v).

ma[n's] lyfe."⁷⁰ Hind underlined this passage as well.⁷¹ Second, punishing theft with death is simply ineffective, as evidenced by the persistence of thieves. The penalty addresses each instance indiscriminately and yet does nothing about the societal or structural troubles underlying these instances. This is mowing the grass, as some say today, rather than uprooting the problem. England's punishments irrationally seek to address criminals rather than crime itself, each case but not its causes. Hythloday will then go on to offer a more systematic account of the sources of poverty, unemployment, and thereby crime in England: the economics of enclosure, the pressures of foreign wars, the corruption of the elite. Along the way the 1556 edition's marginal notations pick up their pace, translating these causes into the lexicon of Protestant Reformers, primarily their favorite scapegoat, the sin of idleness: "Idlennesse the mother of theves"; "Of Idle servyng men come theves."⁷² Hind's underlining in 1571–72 followed accordingly.⁷³

Hythloday's rational, causal, and systemic analysis, which, "rather than the invention of Utopian society," was for Russell Ames "More's highest artistic and intellectual achievement," was accomplished and partly limited by its corrective rhetorical structure.⁷⁴ Hythloday's criteria are laid bare by sentences that shift back and forth between alternatives—first one, then the other. To generalize, first the moral, or Cicero's *honestas* or Aristotle's universal justice or the formalism of the common law, then (to generalize again), the expedient, or Cicero's *utilitas* or Aristotle's particular justice or the different formalism of Chancery equity.⁷⁵ At each turn the argument dilates. Logan has suggested how the passage's "triple iteration" of its two claims—that death is neither just nor efficient as a punishment for theft—might be diagrammed: 1a, 1b, 2a, 2b, 3a, 3b (as inserted above).⁷⁶ Rhetorically, the passage opens in two directions that turn out to be corrective, if not fully circular. Passing "the limites of Justice" one way, toward cruelty, can do nothing to stop offenders who have been driven from "extreme necessitie" to pass those same limits in another way, by committing crimes. As in the common legal maxim *summum jus summa injuria* (extreme justice is extreme injustice): justice enforced so strictly has become unjust.⁷⁷ Or, as Hythloday himself asks a few pages later in another passage

⁷⁰ BL, c.38.a.11, sig. D4^r.

⁷¹ Brown, D556 .M836f, sig. D4^r.

⁷² More, 1556, sig. C5^f.

⁷³ Brown, D556 .M836f, sig. C5^f.

⁷⁴ Ames, 176.

⁷⁵ Cormack, 102–29.

⁷⁶ Logan, 50.

⁷⁷ More, 1556, sig. C4^f. This is the maxim of equity; as the marginal note in the 1556 edition indexes the above passage: "Of laws not made according to equity." Cf. Cormack, 124.

Hind has underlined: “why maye not this extreme & rigorous justice we be called plaine injurie?”⁷⁸ In its bidirectional and doubly corrective address to two distinct values—morality and utility, neither just nor useful—returning each time to the same set of claims in an expanded and more detailed register, as if in widening and amplifying concentric circles, Hythloday’s periods produce their analytic beauty. A similar pattern structures More’s pithy metaphor. “Many are readier to Beate then to teach,” as a reader noted between 1600 and 1605 in a heavily marked 1556 copy now held by Princeton University (fig. 2).⁷⁹

What results is a ruthless indictment of England’s social order. Hythloday accuses English society of producing the very criminality it seeks to redress, in terms Robinson adapts for the lexicon of midcentury Reformers: idleness, profit, vice, education, and infection: “For this Justice is more beautiful in apperaunce, & more flourishyng to the shewe, then either juste or profitable. For by suffering your youthe wantonlie, and viciously to be brought up, and to be infected, even from theyr tender age, by litle and litle with vice: then a goddes name to be punished, when they commit the same faultes after being come to mans state, which from their youthe they were ever like to do: In this point, I praye you, what other thing do you, then make theves, & then punish them?”⁸⁰ Early readers were again particularly interested in this passage. Interestingly, in a 1551 copy held by the Bodleian, which is shorn of book 1 and contains only book 2, a secretary hand retained in the cropped end papers nevertheless copied out this passage (among others from book 1) at a time before the text’s first half had been cut from the binding: “Justice more beautifull then . . . juste or profitable.”⁸¹ Did a later reader cut book 1 because they cared so little for its arguments, or in order to make off with them? Pigot also commented on this passage, again partially trimmed: “By this meanes th[ey] first make and then hang thieves.”⁸² Hind underlined this passage, and a reader who signed his name as Robert Hare marked this section with a manicule in 1572, in a 1556 copy held by the Folger.⁸³

⁷⁸ Brown, D556 .M836f, sig. D4^r.

⁷⁹ Princeton, EX 3865.5.392.83.12, sig. C4^v. This copy is heavily annotated in different inks: a darker, iron gall dated “January 16, 1602” (fol. 61^r) and “December 4, 1605” (fol. 54^r); another in a lighter wash that dates itself “30 of August 1600” (fol. 80^v). The initials “RH” on the page edges are the only signature.

⁸⁰ More, 1556, sigs. D2^v–D3^r (More, 1551, sig. D2^f).

⁸¹ Bodleian, Tanner 872, end papers.

⁸² BL, c.38.a.11, sig. D3^f.

⁸³ Brown, D556 .M836f, sig. D3^f; Folger, 18095.5, copy 2, sig. D3^f, title page (“Roberti Hare. 1572”). Hare is listed as an Elizabethan book collector by William Hazlitt in his calendar of collectors: Hazlitt, 100.

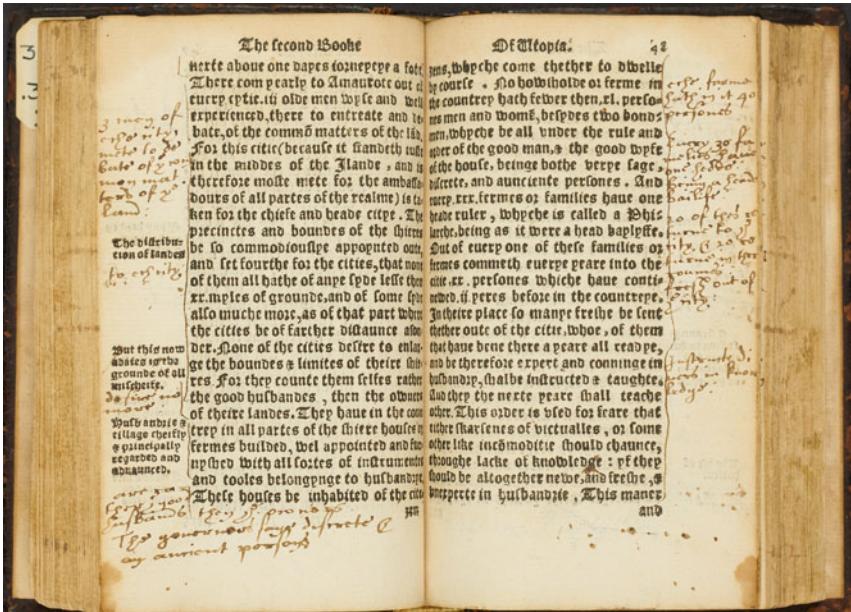


Figure 2. An example of the density of annotations in Princeton University Library, EX 3865.5.392.83.12, sigs. G7^v–G8^r. With permission of the Princeton University Library. Photo: Princeton University Library.

Hythloday's causal analysis remains as remarkable now as it was then. Taking into account the productive power of social structures and institutions, in addition to their repressive function, More's text has been called startlingly "original" for its era, perhaps what might now be called Foucauldian.⁸⁴ "In his capacity to see past the symptoms to the sources of the trouble, in his grasp of the intricacy and ramification of social structure and social action," Hexter wrote, More's mode of Christian humanism is surprisingly realistic, if not realist.⁸⁵ *Utopia* "does not find the causes of human misery in the mind or soul, in fate, in fallible and unchanging 'human nature,' or in the mental and moral weaknesses" of the subject, according to Ames, but rather in "material conditions" and "under social compulsion."⁸⁶

⁸⁴ Hexter, 62: More "was one of the very few original thinkers in the two centuries before Calvin."

⁸⁵ Hexter, 64.

⁸⁶ Ames, 57.

The acuity of Hythloday's analysis in these passages is not without its dark humor, however, or the "mordancies of the harshest social critique," as Logan put it.⁸⁷ "I thinke there is no body that knoweth not, how unreasonable, yea: howe pernicious a thinge it is to the weale publike, that a thefe & an homicide or murderer, should suffer equall and like punishment," Hythloday avers.⁸⁸ When a thief is "in no lesse jeopardie, nor judged to no lesse punishment" than a murderer, Hythloday's logical conclusion is that a robber might as well kill the victims he would otherwise merely rob, and thus more easily hide his crime.⁸⁹ Why not? If the malefactor is caught for murder in addition to theft, the punishment will be no worse. Undoubtedly the policy's disproportion is appalling, but Hythloday's description also begins to seem hyperbolic: thieves are "strongly and forcibly provoked, and in a maner constrained to kill him, whome els he woulde have but robbed," Hythloday claims, painting a particularly dark picture of the criminals he had moments earlier claimed were driven to steal only out of necessity.⁹⁰

If Hythloday's rationalist account has gone a bit too far in privileging material conditions over human agency, and is now being satirized by More in this passage, the 1556 index did not follow the tonal shift. During this discussion the marginal markers spike in frequency again, showing a level of earnest interest not demonstrated since the earlier discussion of "idleness": "Thefte in the olde lawe not punished by death"; "What inconnenience ensueth of punishynge theft with death"; "Punishing of theft by deathe causeth the thefe to be a murthrer"; "What lawfull punishment may be devised for theft."⁹¹ Thus those behind the 1556 edition directed access to the text for their readers and commonplacers, guiding attention to the matters they found most topical—remedies for the problems of "idle" beggars and dangerous thieves—but not necessarily clarifying which of these ideas More might have meant seriously and which were intended as satire. A commonplace book compiled by Edward Pudsey (1573–1613) ca. 1600 included this passage as one of eight sententiae clearly extracted with the aid of the 1556 edition's marginal index: "Punishing of theft by death can sete the thief to bee a murtherer, killing the partye whome els hee wold but have robbed," Pudsey wrote.⁹²

In fact, at this point the enthusiasms in the printed marginalia of the 1556 edition have begun to outstrip the text's own commitments in multiple ways. Hythloday commends the Roman practice of using perpetual penal slavery ("to

⁸⁷ Logan, 49.

⁸⁸ More, 1556, sig. D5^r (More, 1551, sig. D4^v).

⁸⁹ More, 1556, sig. D5^{r-v} (More, 1551, sigs. D4^v–D5^r).

⁹⁰ More, 1556, sig. D5^v (More, 1551, sig. D4^v).

⁹¹ More, 1556, sig. D5^{r-v}.

⁹² McCutcheon, 1990, 39.

be kepte in cheynes all the days of their life”) as a punishment for “great and heinous trespasses,” which the marginal index erroneously flags as “What lawfull punishment may be devised for theft” and “How the Romaynes punished thefte.”⁹³ Neither Robinson nor More’s Hythloday was likely to be discussing how the Romans treated minor theft specifically, even if Roman culture was known for its legal innovations regarding property, but rather how they dealt with still more serious crimes, or “great and heynous” (“magnorum facinorum”) ones.⁹⁴ The notes then introduce “A worthy and commendable punishment of theves in the weale publique of the Polylerites in Persia” a full page before Polylerite punishments specifically are described, whereas usually the indexical markers are placed exactly at the one or two lines of text to which they refer.⁹⁵

The index also begins to take on a voice of its own. As the body text describes how the Polylerites (meaning “people of much nonsense”) force their thieves to render restitution to their victims, rather than to their king, “whome they thinke to hav no more righte to the theifstolen thinge, than the theife him selfe hath,” the marginal note offers a humorous reprimand: “A privie nippe for them that do otherwise,” meaning, perhaps, that this note serves as a rebuke to those that disagree with Polylerite doxa and its implicit criticism of the overreaches of an absolutist monarchy, or that the indicated portion of the text serves as a warning to those (such as More?) who might have tried to “do otherwise” in monarchical England.⁹⁶ As it continues, the index increasingly functions to point out More’s perceived humor in this way: “O wittie head,” reads one remark.⁹⁷ “In this place semeth to be a nipping taunte,” reads another.⁹⁸ But such self-aware comments are not made by the index concerning *Utopia*’s statements on punishment, which are pointed out in earnest, as useful sententiae. While the correctors of *Utopia* in 1556 were indeed alert to More’s humor, they seem to have taken his penology seriously, or chose to present it as such.

There has been little speculation about the identity of the compositor of the 1556 index, but the printer Richard Totell is the most likely candidate: his well-known editorial interventionism, connections to London’s legal community, and work on other titles by More, including his complete English *Works* in 1557, adds credence to this suggestion.⁹⁹ Whoever was responsible, the effects

⁹³ More, 1556, sigs. D5^v–D6^r.

⁹⁴ More, 1995, 70; on Roman property law and slavery, see Patterson, 29–32.

⁹⁵ More, 1556, sig. D6^{r-v}.

⁹⁶ Brown, D556 .M836f, sig. D6^v.

⁹⁷ More, 1556, sig. L^v.

⁹⁸ More, 1556, sig. L4^r.

⁹⁹ Hexter, 44; Foley, 82; McCutcheon, 1983, 80. There has been little or no speculation about the compositor or author of the 1556 English marginal notes, but some regarding the Latin ones: most attribute these to Erasmus, Peter Giles, or perhaps More himself.

were remarkable. The 1556 edition proffered an even more polyvalent experience for English readers by materially encouraging users of the book to turn back and forth between modes of Renaissance reading: a discontinuous, indexical experience, in which *Utopia's* ideas could function more openly as social criticism or as a series of actionable critiques, alongside a more linear experience, in which the text's humor and mercurial shifts in tone returned to the fore. Hythloday's polemic against England's abstractly retributive justice is the most important case in point: singled out or decontextualized, these arguments appear eloquent, effective, sincere—especially the negative critiques of England. But in the positive proposals put forth next, in the system of the Polylerites, Hythloday's ethical position and the text's own tone become more difficult to determine with confidence. This has not stopped many readers, past and present, from endorsing some of Hythloday's earlier sentences while leaving others behind, however, or from embracing some of the described Polylerite ideas while leaving others unremarked.

For the sake of coherence or in the mind of a reader moving linearly, one might expect to approach Polylerite society with the criteria Hythloday has only just finished expounding: are these punishments for theft either just or useful? Criminals “themselves be condempned to be common laborers, and, oneles the theft be verie heinous, they be neyther locked in prison, nor fettered in givcs, but be untied and go at large, laboring in the common works. They that refuse labour, or go slowly and slacklye to their worke, be not onlye tied in cheynes, but also pricked forward with stripes. But beinge diligente about theyr worke they live without checke or rebuke. Every night they be called in by name: and be locked in theyr chambers. Beside their dayly labour, their life is nothing hard or incommodious.”¹⁰⁰ Concerning utility or efficiency, one can respond in the affirmative. Punishments that turn offenders into laborers for the common good do appear more beneficial than those that would leave them swinging from scaffolds, although maintaining an underclass of penal laborers carries the serious risk of an uprising, which Hythloday will be at pains to deny. Regarding the relative justice of this penal code, conclusions have also been enthusiastically drawn.¹⁰¹ As William Bright wrote in his commonplace book compiled between 1644 and 1676, the punishment “for thieves among ye Polylerites is approved of very well.”¹⁰² The consensus that the Polylerite code “embodies a sensible view of the legitimate aims of punishment . . . to rehabilitate the criminal and to redress the damage done by his crime,” as Logan has written, continues to predominate among readers of *Utopia*

¹⁰⁰ More, 1556, sig. D7^r.

¹⁰¹ Logan, 64–65.

¹⁰² Cambridge University Library, MS Add. 6160, fol. 21^r.

now.¹⁰³ The 1556 index concurred, or may have influenced this interpretation at its inception (and since) by pointing readers decisively to this passage as “the right end and intent of punishment.”¹⁰⁴

Punishment’s “right end and intent” flags another of the book’s most eloquent phrases. The Polylerites are commended for the humane aims of their punishments, which “intendeth nothyngel, but the destruction of vices, and the savyng of menne: wyth so usyngel, and ordering them, that they can not chuse but be good.”¹⁰⁵ Although leaving offenders no choice “but be good” might seem insincere, readers have tended to repeat the first phrase while leaving aside the second half of the sentence. For example, I would point out a pamphlet advocating for the house of correction as a national penal system, written around 1603–04 and reprinted in 1646, wherein a former Bridewell administrator named Thomas Stanley did precisely this: “The right end and intent of punishing of Rogues, is but the destruction of vices, and saving of men.”¹⁰⁶ Stanley quoted not only Robinson’s formulation of More (“the destruction of vices, and savyng of menne”) but also the 1556 edition’s marginal index (“the right end and intent”) with equal accuracy.¹⁰⁷ Thus, in this instance one can be nearly certain that when the prison master and author of *Stanley’s Remedy* sat down to pen his pamphlet in support of the house of correction, he not only remembered More’s maxim, or a similar sententia out of Seneca; he opened up a 1556 *Utopia* to this particular page, and used this particular indexical mark to locate that ringing phrase.¹⁰⁸

In the details, however, the policies of Hythloday’s Polylerites seem ironically flawed. First, so little is said about the annual chance at parole offered to these offenders that one might suspect their sentences are intended to be, as in Hythloday’s description of ancient Rome, perpetual. The marginal index contributes to this impression by mislabeling and highlighting the perpetual servitude as “What lawfull punishment may be devised for theft” and “How the Romaynes punished theft” (“there to be kepte in cheynes all the days of their life”), then misdirecting readers to the “worthy and commendable

¹⁰³ Logan, 63.

¹⁰⁴ More, 1556, sig. D8^r.

¹⁰⁵ More, 1556, sig. D8^{r-v}.

¹⁰⁶ Stanley, 5. Carroll 55–59.

¹⁰⁷ More, 1556, sig. D8^r.

¹⁰⁸ Ungerer, 183–84, provides a detailed look at Stanley’s remarkable story and disreputable tenure at Bridewell. Eliot, sig. C3^r, commonplaces a similar phrase from Seneca under the heading “Correction”: “It is the parte of a wise man, to rote up vices, and not the offenders.”

punishment of theves in the weale publique of the Polylerites in Persia” on that same page.¹⁰⁹ As Logan has written, it seems “this system does not fully embody Hythloday’s point that the severity of punishment ought to be proportional to the degree of heinousness of the crime: all thefts of whatever kind or size appear to be punished by perpetual bondage.”¹¹⁰ This isn’t entirely so, at least not if one considers the text’s later aside about the annual chance at parole. But should the thief of a loaf of bread who has made restitution to its owner still be forced to serve at a minimum a year-long sentence, and perhaps a perpetual one? The quality of the punishment—labor rather than death—is better proportioned. But the quantity—a year or a lifetime—is not. These objections do not appear to have unsettled Bright or Stanley, however, although the point would not have been lost on anyone in England in the sixteenth and seventeenth century: as a punishment for minor crimes administered at Bridewell, for example, hard labor usually lasted for a few days or weeks, not years (unless an offender was taken on as a longer-term trainee).¹¹¹

There are other reasons to question the sincerity of Hythloday’s counterproposal. For example, as part of his assurances that the penal laborers are kept under careful control, several means of identifying this class of penal servants are described—as underlined by Hind, and marked by a manicule in the Bodleian’s Tanner 66 (1).¹¹² Penal laborers are forced to wear robes of a specific color, are given a certain “rounded” haircut “above the eares,” and have their ears clipped in a certain way: “the type of the one eare is cut of.”¹¹³ The text continues: “Neither they can have any hope at all to skape away by flienge. For howe should a man, that in no parte of his apparell is like other men, flye prevelie and unknowen, oneles he woulde runne away naked? Howebeit so also flyinge he shoulde be discriued by the roundying of his heade, and his eare marke.”¹¹⁴ These assurances may again seem to be relatively empty ones: clothes can be changed, and anyone who could find a hat or grow their hair longer than their ears could mask the signs of their criminal brand, at least temporarily.

More destabilizing, however, would be the credulous conclusion. If it is really meant to be believable that a clipped ear would always give the escaped slave away, how could anyone also believe in the possibility of their

¹⁰⁹ More, 1556, sigs. D5^v, D6^r, E^r. “For every yeare divers of them be restored to their freedom: through the commendation of their patience”: More, 1556, sig. E^r.

¹¹⁰ Logan, 64–65.

¹¹¹ Griffiths, 279 and appendix tables 2a, 4a, 5a, 7b.

¹¹² Brown, D556 .M836f, sig. [D8]^v; Bodleian Tanner 66 (1), sig. [D8]^v.

¹¹³ More, 1556, sig. D7^v (More, 1551, sig. D7^r).

¹¹⁴ More, 1556, sig. D8^v (More, 1551, sig. D8^r).

rehabilitation as free citizens? Hythloday claims that none of the punished are “hopeles or in dispaire to recover againe his former estate of fredome, by humble obedience, by paciente suffringe, and by geving good tokens and likely-hoode of himselfe, that he wyll ever after that, lyve like a trewe, and an honest man. For every yeare divers of them be restored to their freedome: throughe the commendation of their patience.”¹¹⁵ This is the utopian hope of repentance, the mercy of correction; true “patience” will commend itself and be commended. But how will the offender return to life as a “trewe, and an honest” man if he is so effectively and permanently branded as a criminal that he could never have had any hope to escape? What life beyond crime or beyond punishment can really be intended? In his advocacy for houses of correction on a national scale, the Bridewell administrator Stanley was himself capable of pointing out precisely the same harsh reality in England: “such a note of infamie” as criminal branding in fact precluded offenders from ever reentering employment, Stanley argued: “they may be assured no man will set them on work.”¹¹⁶

For his part, Cardinal Morton, Hythloday’s fictional interlocutor in this conversation within a conversation (but also More’s real patron in childhood), is open to the idea of Polylerite penology. He considers aloud ways to implement these policies in England and suggests that vagabonds be treated in the same way that the Polylerites treat thieves: “me thynketh that these vagaboundes may very wel be ordered after the same fashion, against whom we have hitherto made so manye lawes, and so little prevailed.”¹¹⁷ (“Vagaboundes,” the marginal index alerts readers.¹¹⁸) The cardinal’s sycophants all agree, illustrating Hythloday’s point about the futility of counsel. The cardinal’s fool takes the policy a step further, suggesting that hard labor might serve to help those demographics the margin indexes as the “Sicke, aged, impotent persons and beggers,” in addition to thieves and vagabonds.¹¹⁹ Why shouldn’t all the miserable and needy be rounded up “sumwhere oute of my sight” in a kind of penal colony, yet within the city? the jester asks.¹²⁰ This fool would “make a lawe, that all these beggers shall be distributed, and bestowed into houses of religion,” since the monasteries were already such dens of iniquity.¹²¹

¹¹⁵ More, 1556, sig. E^r (More, 1551, sig. D8^v).

¹¹⁶ Stanley, 6.

¹¹⁷ More, 1556, sig. E2^r (More, 1551, sig. E^v).

¹¹⁸ More, 1556, sig. E2^r.

¹¹⁹ More, 1556, sig. E2^v (More, 1551, sig. E2^r).

¹²⁰ More, 1556, sig. E2^v (More, 1551, sig. E2^r).

¹²¹ More, 1556, sig. E3^r (More, 1551, sig. E2^r).

In cases such as these, *Utopia's* double-edged depictions would have held pleasures of both recognition and ironic distance for early readers. English citizens would indeed have been familiar with the vagaries of criminal branding, which had been instituted in recent decades by repeated legislative acts, in 1531, 1536, 1547, and 1550, and continuing beyond 1593 and 1598, when ear boring and ear clipping were once again replaced with whipping as punishment for vagrancy; yet they also knew these policies stumbled in enforcement, presumably due to the difficulty of convincing local justices and constables to impose such disfigurements on their neighbors.¹²² Early readers could also have recognized Polylerite punishments in their own institution at Bridewell, with its whipping posts to inspire fear but rhetorical aspirations toward more humane conditions, its laborers and craftsmen for hire, its chain gangs and attempts at uniforms. And yet, with the important distinction that Bridewell's sentences were better proportioned to the crime and to the individual on a case-by-case basis, not universally or blindly applied. But perhaps most delightful of all would have been this latest joke, placed in the mouth of Morton's moronic fool—this notion that friars were the worst of the vagabonds, and that the monasteries should be repurposed into public hospitals. For that was precisely what was being done at St. Thomas Hospital and at Christ's Hospital, thanks to the efforts of a generation that had printed their own *Utopia* on the side. Hind at least saw fit to notate this passage in 1571–72, and Bacon took triplicate note of it in his 1551 copy: “cardinalls fool . . . nota the begynge of . . . the geste of the cardinales Foole.”¹²³

BOOK 2: “HOW LITTLE LIBERTE THEY HAVE”

Modern historians have indeed cited the utopian quality of the new institutions and prisons that appeared in England in the sixteenth century, and yet there are no prisons at all in *Utopia* itself, or in book 2.¹²⁴ No jails, no houses of correction: *U-topos*, the good place (*eu-*) or nonplace (*ou-*), has hospitals, but no explicitly carceral institutions.¹²⁵ How could this be? No brick-and-mortar institutions are needed, it seems, because for punishment *Utopia* consigns offenders to varying sentences of public labor, to be completed in the open air, without the imposition of walls or institutions, alongside *Utopia's* other slaves or bondmen—those foreigners who have either volunteered themselves for permanent bondage or have been taken as prisoners in war. As another

¹²² Archer, 244.

¹²³ Brown, D556 .M836f, sigs. E3^v–E4^r; Ransom, HX 811, sigs. E2^v–E3^f.

¹²⁴ Innes, 43.

¹²⁵ Rancière, 219.

version of a penal code wherein work serves as the primary punishment, the Utopian code reflects that of the Polylerites, although with the additional and more explicit distinction that in Utopia “the discerning of punishment” is “putte to the discretion of the magistrates,” as the marginal index points out, rather than existing as any universal norm.¹²⁶ In fact, since Utopia has so few laws, there is “no prescript punishment” (“certam poenam”) appointed for any crime at all, except adultery: all adulterers are punished with permanent slavery (“grauissima seruitute”), or, as the 1602 hand in Princeton’s 1556 edition comments: “Breakers of wedlock punished with most grievous Bondage.”¹²⁷ Instead of a “pre-script” penal code, “accordinge to the heynou-senes of the offense [*facinoribus*] . . . the punishmente is moderated by the discretion of the counsell” on a case-by-case basis.¹²⁸ Utopia’s more proportionate punishments thus act as a foil for England’s previous status quo but also support the argument that the sentencing of the Polylerite system, itself part of More’s textual correction or dilation in the Renaissance sense, was presented ironically. The hypocrisies and impracticalities of criminal branding, for example, are not mentioned in book 2. And yet there are other, perhaps graver, ethical contradictions implied by Utopia’s indistinct systems of bond slavery and penal slavery, though these contradictions were not material for the 1556 index, and did not stop Reformers such as those behind these books from attempting to legislate and enact similar policies, as my final analysis of the 1547–49 Vagrancy Act will confirm.

At first, Utopian punishments appear primarily correctional. Only the most serious crimes are punished publicly in Utopia, and never by death or simple confinement. Instead, in a reformulation of the argument from book 1, Utopians punish severe crimes “with the incommoditie of bondage,” for

that they suppose to be to the offender no lesse grieffe, and to the common wealth more profit, then yf they should hastily put them to death. . . . For there cummeth more profit of their labour, then of their deathe, and by their example they feare other the longer from lyke offenses. But if they beinge thus used, doo rebell and kicke againe, then forsothe they be slayne as desperate and wilde beastes, whom neither prison nor chaine coude restraine and kepe under. But they, whiche take their bondage pacientlye, be not lefte all hopeles. For after they have bene broken and tamed with longe miseries, if then they shewe such repentaunce, as thereby it maye bee preceaved that they be sorryer for their offense then for their punishmente: sumtymes by the Prynces

¹²⁶ More, 1556, sig. N7^v.

¹²⁷ Princeton, EX 3865.5.392.83.12, sig. N7^r.

¹²⁸ More, 1556, sig. N7^v (More, 1551, sig. N7^v). On proportionate sentencing, cf. Plato, 1586 (*Laws* 934a–b); Cicero, 90–91 (*De officiis* 1.25.89).

prerogatyve, and sumtymes by the voyce and consent of the people, their bondage either is mitigated, or els cleane released and forgeven.¹²⁹

Utopian punishments extract maximal utility and benefit, for the individual but especially for society. Offenders are remade as labor for the public good and continuing examples for general deterrence—not wasted in the flash of a spectacular execution, but laboring as a daily reminder.¹³⁰ The ultimate end would be not only retribution or social utility, however, but reintegration into society—or at least to confirm that offenders are “broken and tamed.” Hythloday could even seem to describe Utopia’s penal bondage “as a progressive form of individual improvement and social control,” and “a positive, virtue-instilling institution . . . that existed as much to redeem wayward individuals as it did to punish them,” as Michael Guasco has written.¹³¹

The text’s optimistic rhetoric is belied by its own details, however. Even more so than among the Polylerites, the actual possibility of rehabilitation—or breaking and “taming”—appears to be undermined. For example, in Utopia the task of butchering animals is reserved “for the hands of their bondmen.”¹³² Any distinction in More’s Latin between the bondsmen (*famuli*) mentioned here and the slaves or servants (*servi*) described elsewhere is obscured by Robinson’s “bondage” and “bondmen” (perhaps since it is obscured in More’s text as well, as these *famuli* are later *servi* when it is added that they also do the hunting):¹³³ “For they permitte not their frie citezens to accustome them selves to the killing of beastes, through the use whereof they thinke, clemencye the gentleste affection of oure nature by lytle and lytle to decaye and peryshe.”¹³⁴ Utopians do not allow their free citizens to hunt or slaughter animals, because they believe this practice habituates the hunter or butcher to inhumanity,

¹²⁹ More, 1556, sigs. N7^v–N8^r (More, 1551, sigs. N7^v–N8^r). The 1551 edition has “remyted” where 1556 has “released.” Cf. Plato, 1520 (*Laws* 862e).

¹³⁰ Jefferson, 493 (bill no. 64). Compare Jefferson’s influential Bill for Proportioning Crimes and Punishments (1779): “the reformation of offenders, tho an object worthy the attention of the laws, is not effected at all by capital punishments, which exterminate instead of reforming . . . which also weaken the state by cutting off so many who, if reformed, might be restored sound members to society, who, even under a course of correction, might be rendered useful in various labors for the public, and would be living and long continued spectacles to deter others from committing the like offences.” Jefferson owned a 1555 Latin edition of *Utopia*, as well as the 1743 English translation.

¹³¹ Guasco, 33.

¹³² More, 1556, sig. J7^v (More, 1551, sig. J7^r).

¹³³ Nyquist, 626; More, 1995, 55. As Nyquist observes, *servus* “could be translated into the vernacular as either ‘servant’ or ‘slave’ in the period, the latter usually designating Graeco-Roman chattel slavery, galley slavery and war slavery.”

¹³⁴ More, 1556, sig. J7^v (More, 1551, sig. J7^r).

corrupting by “lytle and lytle” their moral character.¹³⁵ Instead they reserve this necessary task for their “bondmen.” As Pudsey wrote in his commonplace book near 1600, “Bondemen are appointed butchers & not free citizens, lest thorough the vse there of, clemency shold by little & little perish.”¹³⁶

But what about the opposing effect? Given that Utopian society believes these tasks will degrade rather than improve an offender’s character, correction seems unlikely. In fact, all corrupting, shameful labors and “base busyness” are reserved for those in bondage: “al vile seruice, all slavery, and drudgerie, with all laboursome toyle, & base busines [*sordis laboris*] is done by bondemen [*serui*].”¹³⁷ Or, as Pudsey wrote, “the basest part of butchery . . . they leave to their bondmen.”¹³⁸ The marginal index marks this poignant inverse to the humanist belief in the improvability of individual behavior: “Of the slaughter of beastes we have learned manslaughter.”¹³⁹ Violence can be acquired. Admitting this, the Utopian penal system must maintain only a highly conditional hope for rehabilitation, when their most violent criminals are condemned to labors that, according to Utopia’s own beliefs, will encourage criminal behavior. Utopian penal service may have been “ideally a temporary condition for the enslaved,” but in practice it would have tended to be otherwise, as the text itself and its 1556 apparatus slyly admitted.¹⁴⁰ Recidivism rather than rehabilitation would be the effect.

Neither is Utopian bond slavery as humane or progressive as it pretends. In fact, in the details, Utopia’s bond slavery seems to be equally as punitive as its penal service. For example, Hythloday’s claim that many a “vile drudge” or “poore laborer in an other country” has volunteered for the fair and humane bondage of Utopia over their own destitute freedom is contradicted by the experience of the Anemolian ambassadors, who were assumed to be slaves by the Utopians when they arrived festooned in golden chains, and were ridiculed as such.¹⁴¹ This suggests that even the bonds of *eu*-topian slavery connote dishonor and are psychologically punitive. The irony was noted by Pudsey: “Ynfamous persons & bondmen wear in their ears & on their fingers rings of gold about their necks chaines & on their legs gyves.”¹⁴² Stephen Greenblatt agreed that slavery in Utopia “functions not only as a penal and economic

¹³⁵ More, 1556, sig. J7^v (More, 1551, sig. J7^r).

¹³⁶ McCutcheon, 1990, 39.

¹³⁷ More, 1556, sig. K^r (More, 1551, sig. J8^v).

¹³⁸ McCutcheon, 1990, 39.

¹³⁹ More, 1556, sig. J7^v.

¹⁴⁰ Guasco, 35.

¹⁴¹ More, 1556, sig. N3^r (More, 1551, sig. N3^v).

¹⁴² McCutcheon, 1990, 39.

institution but as an extreme form of shaming,” and noted the degrading and self-perpetuating aspects of Utopian slavery as a “chilling” feature of More’s fiction.¹⁴³ Neither did the text’s distinction between noncitizen “drudges” and citizen penal drudges appear relevant in 1605 to a reader in Princeton’s 1556 copy, who noted that “ther owne they punish” even more “severly” than they do their foreign slaves—implying that bondage of either sort was punishing.¹⁴⁴ Nevertheless, this degrading system of bond slavery was enthusiastically embraced in the margins of the 1556 edition, whose index notes as “A marvelous equitie of this nation” the practices of Utopian slavers, who only “make bondemen of prisoners taken in battayle” under certain circumstances, who never acquire children, and who much prefer to purchase for “very lytle” foreign criminals condemned to death.¹⁴⁵ These bondmen they keep “not onely in continual woorke and labour, but also in bandes” alongside their own native criminals, who they think have deserved the “greater punishmente” of such enslavement for having erred despite being brought up “so godlye” in Utopia.¹⁴⁶ Penal servants are “kept in continuall labour,” the 1605 hand in Princeton’s 1556 copy notes.¹⁴⁷

Thus, there are several reasons to wonder what the actual difference would be within this distinction between, on the one hand, Utopian penal service, which—despite its rehabilitative rhetoric—would be nearly as permanent as Utopia’s bond-slavery proper, and, on the other hand, Utopia’s bond slavery, which—despite its humanitarian claims—would be nearly as punitive as its penal service. But at this point a common caveat about both forms of bond slavery in Utopia must be considered. For neither form of Utopia’s penal or bonded slavery is hereditary; neither forms a caste. No one in Utopia is born a slave. This is the regard, as Schlomo Avineri has pointed out, in which Utopian slavery has often been said to be relatively less arbitrary than many historical forms of enslavement, especially racial slavery.¹⁴⁸

If one pauses, however, and imagines the ends and consequences of the Utopian thought model, as is required of any reader of *Utopia*, this objection does not stand. If one does believe that Utopia’s practices rely on nothing like a caste system, still, it is undeniable that the society relies heavily on a group of slave laborers. Precisely because Utopian slavery is not hereditary, then, one can see that it will need to be self-perpetuating in other ways, with other

¹⁴³ Greenblatt, 39.

¹⁴⁴ Princeton, EX 3865.5.392.83.12, sig. N4^r.

¹⁴⁵ More, 1556, sig. N3^v. See Patterson, 5.

¹⁴⁶ More, 1551, sig. N3^v (More, 1556, sig. N3^v).

¹⁴⁷ Princeton, EX 3865.5.392.83.12, sig. N2^r.

¹⁴⁸ Avineri, 281; cf. Patterson, 21–32.

consequences. First, Utopia's magistrates will be motivated to keep their penal servants in permanent bondage, rather than to seek their rehabilitation or recognize their parole. Second, peace-loving and freedom-loving Utopia will always need more slaves, new slaves—it will therefore need more criminals or more prisoners of war. Utopia will be motivated to conduct foreign conquests, or, like the “people of much nonsense,” Utopia will be motivated to find criminals to punish if its society is to survive, or exist, so structured.

Or perhaps what Utopia would require is simply a body of ever-more slave-like citizens. In fact, the carceral foundations of Utopian discipline can be located paradoxically in the lives of their general citizenry, rather than their bond slaves or criminals; not in their public institutions but in their nonprivate homes; and not only in their closely held control but in the forced migrations of their entire social body. In Utopia doors can hardly be closed, let alone locked: “These doores be made with two leaves, never locked nor bolted, so easie to be opened, that they wil follow the least drawing of a fynger.”¹⁴⁹ Since their doors open at the touch of a finger, “there is nothinge within the houses that is private.”¹⁵⁰ These uncloseable doors serve as a perfect emblem for the reverse liberty More has depicted and ironized throughout Utopian society and his dialogic text: with nowhere to hide Utopians can have nothing to hide. Furthermore, in yet another hair-splittingly ironic arrangement, recalling Utopia's approach to suicide (forbidden) and euthanasia (encouraged), or to work (enjoyed by citizens) and degrading work (enjoyed by slaves), while free Utopians are moved from household to household every ten years, and from town to town interchangeably, unsanctioned travel is gravely punished—not on the pain of death, of course, but of penal slavery. Free Utopians move constantly in intervals at the will of the magistrates: “Every tenthe yeare they change ther houses,” notes one hand in Princeton's 1556 copy.¹⁵¹ Yet roaming or vagrant Utopians are held in penal bondage. It might be said that this policy is primarily intended to interrupt ties between people and possessions or places, but it would also seem to produce within its citizens the alienation from genealogical social life that Patterson argued is a defining feature of slavery.¹⁵² Certainly the one thing that follows every Utopian is work: “If they stay above a day they fall to their occupations,” as the 1605 hand commented on this passage in Princeton's copy.¹⁵³

¹⁴⁹ More, 1556, sigs. H3^v–H4^r (More, 1551, sig. H3^{r-v}).

¹⁵⁰ More, 1556, sig. H4^r (More, 1551, sig. H3^v).

¹⁵¹ Princeton, EX 3865.5.392.83.12, sig. H4^r.

¹⁵² Patterson, 13.

¹⁵³ Princeton, EX 3865.5.392.83.12, sig. K4^r.

“Now you se how little liberte they have,” and, further, “howe they can have no cloke or pretence to idleness. There be neither winetavernes, nor ale houses, nor stewes, nor anye occasion of vice or wickedness, no lurking corners, no places of wicked counsels or unlawfull assembles.”¹⁵⁴ Utopian panopticism extends from their fields and halls even into their homes, where all citizens are constantly “in the present light, and under the eies of every man.”¹⁵⁵ There is even the suggestion that Utopia polices thoughts and desires, since their penal code punishes “motions” to crimes as harshly as the crimes themselves; as one skeptical reader remarked, in the single marginal note left in one 1556 copy held by the British Library, partially cropped: “this is to mak[e?] all sinnes equa[lly?] disprooved . . . concerning theif[es?] / & murderers.”¹⁵⁶ That More’s *Utopia*—itself an extended and exceptionally provocative thought—should describe a society in which such contemplations could be condemned as criminality is an exemplary instance of the text’s mordant wit.

Fredric Jameson has argued that the tradition of utopian texts inaugurated to some extent by More can be recuperated as “maps and plans to be read negatively,” to locate sources of suffering and exploitation in their own historical contexts.¹⁵⁷ “The best Utopias are those that fail most comprehensively,” because such fictions “can serve the negative purpose of making us more aware of our mental and ideological imprisonment.”¹⁵⁸ But if this sort of reverse critique was More’s purpose, it was not entirely his effect, for his model was enthusiastically repositioned and perhaps too earnestly received: “O holy commonwealth, and of Christians to be folowed,” gushes the marginal note for the above panoptic passage, in both the 1556 and early Latin editions.¹⁵⁹ “No ale-houses nor wine tauvernes,” repeats the most diligent reader of Princeton’s 1556 edition, beneath this indexical mark.¹⁶⁰

As it so happens, the remarkably careful records left by this reader—who dated two series of notations particularly focused on idleness as beginning on “December 4, 160[2]” and “January 16, 1602”—display an unusual level of interaction not only with the text but also with the 1556 index.¹⁶¹ Some of the most heavily annotated passages in this entire copy are found in these pages, where the discussion of idleness is helpfully divided by the marginal

¹⁵⁴ Bodleian, Tanner 66 (1), sig. K4^v; Brown, D556 .M836f, sig. K4^v.

¹⁵⁵ More, 1556, sig. K4^v (More, 1551, sig. K4^f).

¹⁵⁶ BL, G.2285.(2.), sig. [N8]^f.

¹⁵⁷ Jameson, 12.

¹⁵⁸ Jameson, xiii.

¹⁵⁹ More, 1556, sig. K4^v.

¹⁶⁰ Princeton, EX 3865.5.392.83.12, sig. K4^v.

¹⁶¹ Princeton, EX 3865.5.392.83.12, sigs. H5^f, J4^f/61^f.

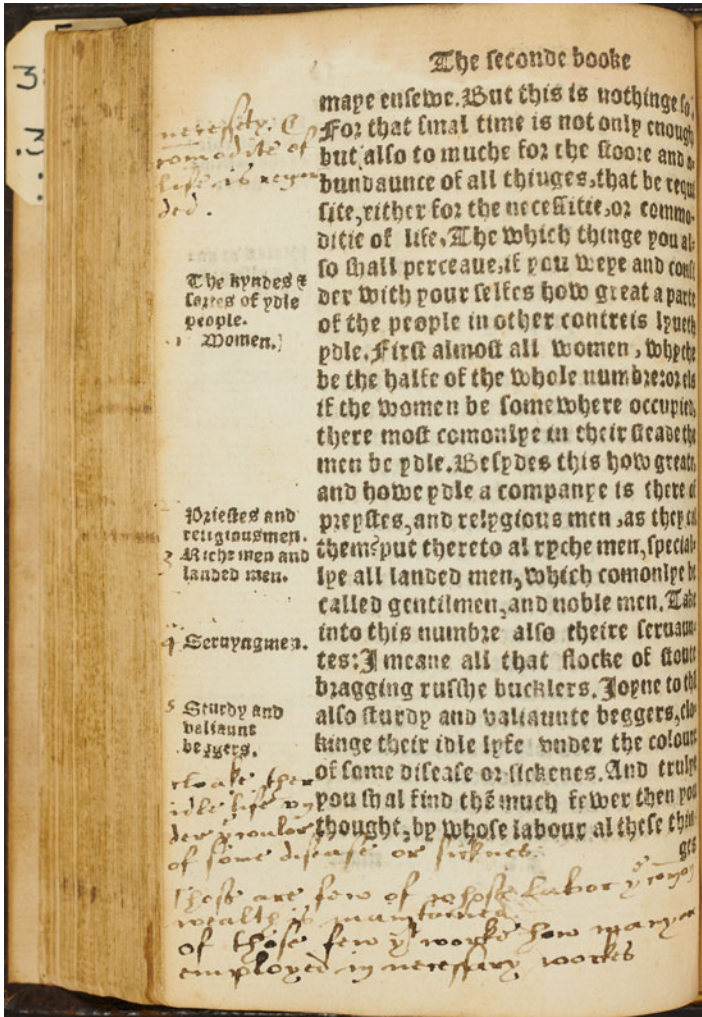


Figure 3. An example of the annotator’s use of the printed marginal index in Princeton University Library, EX 3865.5.392.83.12, sigs. J^v–J². With permission of the Princeton University Library. Photo: Princeton University Library.

index into “The kyndes & sortes of idle people” (fig. 3).¹⁶² The manuscript annotator then adds a number next to each stereotype: “1” next to

¹⁶² Princeton, EX 3865.5.392.83.12, sigs. J^v–J². The annotator paraphrases the main text: “cloake ther / idle life vn / der [the] coulor / of some disease or sicknes . . . those are few of whose labor [the] common / wealth is maintained. / of those few [that] worke how many are / employed in necessary works.”

“Women”; “2” next to “Priestes and religousmen”; “3” next to “Riche men and landed men”; “4” next to “Servingmen”; and “5” before “Sturdy and valiaunt beggers.”¹⁶³ “Set all to work on profitable occupations,” the reader’s annotations conclude, after copying out a long sequence mostly verbatim from the body text, arranged along the numbered index in this enthusiastically crammed margin.¹⁶⁴

UTOPIA, THE 1547–49 VAGRANCY ACT, AND THE ORIGINS OF THE HOUSE OF CORRECTION

In 1547, “An Acte for the Punishment of Vagabondes and for the Relief of the poore and impotent Persons” began as so many sermons, tracts, and legislative pronouncements on these topics did, and as the 1602 hand in Princeton’s 1556 *Utopia* would have appreciated, by denouncing “Idlenes and Vagabundrye” as “the mother and roote of all theftes Robberyes and all evill actes and other mischiefs.”¹⁶⁵ The index to the 1556 edition put it more succinctly, as Hind underlined: “Idlennesse the mother of theves.”¹⁶⁶ Idleness was the catchword for the Hythloday of book 2, and for discourses of poor relief across the sixteenth and seventeenth centuries, but it was hardly the “roote,” as the Hythloday of book 1 had known. An earlier indexical comment, and another passage underlined by Hind, had more accurately discerned a causal chain: “The decay of husbandry causeth beggary, which is the mother of vagaboundes & theves.”¹⁶⁷

In fact, More’s fiction still remains the best-known diagnosis of persistent social problems that impelled the real political projects under consideration in this article’s concluding pages.¹⁶⁸ Since at least the 1470s, and especially since the 1520s, England’s population and prices had been rising, while supplies and employment had not kept pace.¹⁶⁹ Impoverished laborers and those displaced by enclosure migrated from rural to urban environments, forming crowds of the so-called idle, vagrant, or masterless.¹⁷⁰ Shorter-term crises exacerbated unrest, including failed harvests in the late 1540s, 1590s, and early 1620s.¹⁷¹ Such conditions created England’s real and perceived vagrancy crisis

¹⁶³ Princeton, EX 3865.5.392.83.12, sigs. J^v–J2^f.

¹⁶⁴ Princeton, EX 3865.5.392.83.12, sigs. J^v–J2^f.

¹⁶⁵ Luders, 4:5 (1 Edw.VI. c.3. I).

¹⁶⁶ Brown, D556 .M836f, sig. C5^f.

¹⁶⁷ Brown, D556 .M836f, sig. C8^v.

¹⁶⁸ Beier, 1985, 42, 45, 55, 89; Beier, 2002, 36; Innes, 51; Archer, 225, 243–44, 254–56.

¹⁶⁹ Slack, 1990, 11; Slack, 1988; Beier, 1985.

¹⁷⁰ Beier, 1985.

¹⁷¹ Slack, 1990, 13.

and drove the country's tax-funded schemes to both relieve and control the poor during the later medieval and early modern periods.

Within these efforts a turn toward work discipline was shaped by several influences. Historians debate the relative importance of humanism, Protestantism, and increasing commercialization as factors that might have varying impacts within specific political regimes, such as Edward VI's government (1547–53), or Oliver Cromwell's (1599–1658) Protectorate (1653–58), for example.¹⁷² The shift in ethos evolved slowly from longer perspectives; Marjorie McIntosh has discerned as much continuity as disruption within these programs between the fourteenth and sixteenth centuries.¹⁷³ Yet the dramatic events of the Henrician and Edwardian eras of the Reformation undoubtedly catalyzed these changes, if only by rending so “much of the institutional fabric which had provided charity for the poor in the past,” as Paul Slack has described it.¹⁷⁴ Protestant replacements for the services of the monasteries were especially needed. Attempts that had been underway since at least 1414 to reform and reorganize England's ancient hospitals suddenly gained greater urgency, as witnessed by the founding or refounding of London's five Royal Hospitals between 1547 and 1553, including Bridewell, with its emphasis on work discipline for minor offenders and the able-bodied poor.¹⁷⁵ Legislative efforts, such as iterations of the early poor laws passed in 1536, 1547, 1576, 1598, 1610, 1646, and 1649, increasingly described their goal as the “correction” of vagrants and vagabonds and aimed to retrain profitable members of the commonwealth by setting offenders to work.¹⁷⁶

These longer histories, along with the shorter-term upheavals of the mid-Tudor crises, form the background for two exceptionally suggestive projects of the late 1540s and 1550s: not only the founding of Bridewell in 1553, which “provides an almost unique example of an institution that has been universally regarded as marking” a “new departure” in penology, as Sharpe has written, but also the Vagrancy Act of 1547–49 that preceded it, and which Davies has called “the most savage act in the grim history of English vagrancy legislation.”¹⁷⁷

The “Acte for the Punishment of Vagabondes and for the Relief of the poore and impotent Persons” began by demanding a deceptively utopian scheme for

¹⁷² Davis, 18–64; Beier, 2002. Davis's demonstration that similar policies emerged in both Catholic and Protestant contexts on the Continent remains widely influential.

¹⁷³ McIntosh.

¹⁷⁴ Slack, 1990, 16.

¹⁷⁵ Luders, 2:175 (2 Henry V. c.1); Sharpe, 256.

¹⁷⁶ Slack, 1990, 59–65.

¹⁷⁷ Sharpe, 256; Davies, 533.

handling vagrancy and petty crime: rather than simply whipping, stocking, carting, or hanging offenders, they would be put to work. Lamenting that “godlie Statutes hitherto hath had small effecte,” and “Idle and Vagabounde persons” continue to “remayne and increase” as “unprofitable membres or rather enemies of the Commen wealthe,” the statute suggested that if such enemies of the state should be punished with “deathe whipping emprysonement or with other Corporall payne,” it would not be beyond their due, citing what might be classed as both retributive (“it were not without their desertes”) and utilitarian (“for the xample of others and to the benefit of the Commen wealthe”) justifications.¹⁷⁸ But the law’s ultimate aims were distinct. Offenders should be “brought to be made profitable” and to “doo service” rather than put to death or simply imprisoned.¹⁷⁹ As in *Utopia*, reintegration and the extraction of exponential utility were the stated ideals.¹⁸⁰

Under the 1547–49 law, however, offenders would not only be set to work (and were not really very likely be rehabilitated). Instead, they would become “Slaves,” temporarily at first, but under sentences that were designed to quickly be extended to life. At the outset, any master whose employment had been refused or reneged on for any reason could summon two justices of the peace, who, “hearing the proefe of the Idle living of the saide parsonne” from at least two witnesses, would “immediatelie cause the saide loyterer to be marked with an whott Iron in brest the marke of V” and “adjudge the said parsonne living so Idelye to such presentor to be his Slave.”¹⁸¹ Sentences were set initially at two years: “To have and to holde the said Slave to him his executors or assignes for the space of twoo Yeres.”¹⁸² Any offender caught trying to escape was to be branded (on the forehead this time) with an *S* and condemned for life. Any *S* caught running away a second time was to be executed: “to suffer paynes of death as other fellons ought to doo.”¹⁸³ No parole for the original sentences, and no privilege of the clergy whatsoever, was to be given.

Several of the same ironic patterns noticed in *Utopia* thus reemerge here: as in the conflicted code of the Polylerites, permanently branding and scarring offenders (*V* for vagabond, *S* for slave) would effectively render promises of reintegration empty, as even Stanley in the seventeenth century had recognized. In fact, sentences under the 1547–49 law quite explicitly moved only one way. Every universal two-year sentence could quickly be extended to a lifetime of

¹⁷⁸ Luders, 4:5 (1 Edw.VI. c.3. I).

¹⁷⁹ Luders, 4:5 (1 Edw.VI. c.3. I).

¹⁸⁰ Davies, 542.

¹⁸¹ Luders, 4:5 (1 Edw.VI. c.3. I).

¹⁸² Luders, 4:5 (1 Edw.VI. c.3. I).

¹⁸³ Luders, 4:5 (1 Edw.VI. c.3. I).

forced labor, but none could be shortened for an offender who had proven themselves reformed. Permanent bondage, rather than rehabilitation, would have been the more likely effect.

Although the 1547–49 law made none of Utopia’s ironic claims about the humane conditions of its slavery, there were many other similarities. During their period of bondage, “to have and to holde” an offender required providing only bread and water for sustenance. Beating and chaining the enslaved person with a “a ryng of Iron about his Necke Arme or his Legge” was endorsed wherever deemed necessary—especially if any of these bondmen were found to be gathering together without warrant, and perhaps thereby conspiring.¹⁸⁴ As in Utopia, a master could “cawse the saide Slave to worke by beating, cheyning or otherwise” in whatever labor, however degrading to person or character, or “how vyle so ever it be.”¹⁸⁵ Again as in Utopia, provisions for a convict-leasing scheme were included, wherein slaves could be held by individuals, as well as by parishes and corporations.¹⁸⁶ But again going slightly farther, the act’s punishments were explicitly meant to justify reducing offenders to chattel slaves, who could be sold, leased, or bequeathed as “anny . . . movable goodes or Catelles.”¹⁸⁷

The act’s emphasis on targeting poor children (or “Infant Beggars”) seems particularly concerning, even or especially given the so-called “mervelous equitie” of the Utopian slavers, who were praised by the 1556 edition for not taking children captive.¹⁸⁸ Under the 1547–49 act, any “children” (defined by the law as between the ages of five and twenty-four for men or twenty for women) seen begging or wandering, even if they had committed no other crime beyond their poverty, and certainly whether “theie be willing or not,” could be taken in for forced adoption as servants or apprentices by any master able to catch them; all that was needed was physical detainment and presentment before the constables and justices of the peace.¹⁸⁹ Once captured, these children and adolescents would fall under the same conditions and penalties as adult vagrants for attempts to escape: first, to be permanently sentenced and branded as indentured “Slaves” and, second, to die.¹⁹⁰ Any “suche Slave or Slaves or children

¹⁸⁴ Luders, 4:8 (1 Edw.VI. c.3. XVI).

¹⁸⁵ Davies, 534.

¹⁸⁶ Davies, 534.

¹⁸⁷ Luders, 4:6 (1 Edw.VI. c.3. IV).

¹⁸⁸ Luders, 4:6 (1 Edw.VI. c.3. III).

¹⁸⁹ Luders, 4:6 (1 Edw.VI. c.3. III).

¹⁹⁰ Luders, 4:6 (1 Edw.VI. c.3. III).

so adjudged” and found to be “resisting there corrections” could be put to “suffer therefore paynes of death.”¹⁹¹

The law’s passage was its peak, however. Its “extremitie” could not have been “putt in use,” as the statute that repealed it in 1549 stated; there is little external evidence that the statute was ever enforced at all.¹⁹² And yet, although the 1547–49 act certainly merited rejection as “extreme,” its provisions were not necessarily so far from other forms of unfreedom practiced in England across the medieval and early modern periods: serfdom, villeinage, indentured servitude, and forced apprenticeships for children—one feature of the 1547–49 law with a long and successful afterlife, as Steve Hindle has pointed out—and, later, houses of correction and workhouses.¹⁹³ What was most unusual, however, was also what was most Utopian about the 1547–49 statute, and what became the organizing principle of those later institutions: the deployment of such a labor condition explicitly as punishment.¹⁹⁴ Thus what seems particularly unacceptable and unusual now—the practice and language of slavery, which the 1547–49 act appears to have envisioned as a way to “produce the effect of penal servitude while sparing the trouble of establishing any machinery to administer it,” as Davies wrote—was swiftly rejected.¹⁹⁵ But what was actually more unique about the law in its own time was the conceptual shift toward deploying labor as punishment, and this correctional idea was not rejected at all. Precisely such a concept was coming to permeate national legislative attempts to organize poor relief from the parish upward, and precisely such a concept was then given its first dedicated institution almost immediately thereafter, at London’s Bridewell, and by many of the same Reformers involved with both the 1547–49 law and the 1550s *Utopias*.

Although details of parliamentary debates or amendments to this Vagrancy Act are unfortunately lost, Tadolwe, Cecil, Smith, Bowes, and Nicholas Ridley (1500–55) would all have been serving in Parliament when the act was passed in 1547, as well as when, in the wake of the uprisings and crises of 1549 and the subsequent demise of Somerset’s protectorate, the legislation was hastily repealed.¹⁹⁶ Thus this earlier attempt at top-down reform and its embarrassing failure would have been fresh in their memories when Tadolwe, Cecil, Smith,

¹⁹¹ Luders, 4:6 (1 Edw.VI. c.3. V).

¹⁹² Luders, 4:115 (3 and 4 Edw.VI. c.16. I); Wrihston, 1980, 25–26; Wrightson, 1984, 13. Court records show that vagabonds continued to be whipped, stocked, and expelled, instead of enslaved.

¹⁹³ Hindle, 2004, 191–223; Patterson, 6–7.

¹⁹⁴ Davies, 543.

¹⁹⁵ Davies, 543.

¹⁹⁶ Davies, 536; Hyde; Miller; M. A. P.; T. F. T. Baker.

and their cohort were involved with the English *Utopia* in 1551; or when Tadlowe, Bowes, Ridley, and Grafton advocated for the establishment of the house of correction in 1550–53; or when Tadlowe, Bowes, and Grafton convened its administration in 1556 and thereafter; or even when Grafton's son-in-law Tottel printed the 1556 edition. Thomas Smith would surely have recognized comparisons to the “ferocity” of the 1547–49 law when he acted alongside his former pupil Cecil as censor on the Privy Council, allowing *Utopia* to go to print in 1551 (translated by Cecil's schoolmate Robinson), for Smith is even thought to have been the author of the 1547–49 Vagrancy Act.¹⁹⁷ As More wrote in his *Utopia*, in a passage marked with a manicule in a 1556 copy held by the Folger Library, lessons learned from “adversities” and “experience of the world” are those “which beinge so learned can not easely be forgotten.”¹⁹⁸

Perhaps it was as a political lesson learned the hard way, rather than as the reversible map described by Jameson, that the “oddball blueprints” of both the 1547–49 Vagrancy Act and even *Utopia* did not prove so eccentric, given the “actual institutional developments” at Bridewell that followed so closely thereupon, as Beier, for example, has argued.¹⁹⁹ Institutions rather than legislative statements carried these ideas forward. “Life in a house of correction” would turn out to be “very like the slavery envisaged in 1547,” as Davies concluded.²⁰⁰ And yet both the law and the new form of prison were also in their own moment, as Innes and others have noted, and as this article has sought to substantiate, in all senses of the term, quintessentially “utopian.”²⁰¹

CONCLUSION

This article has offered a set of readings of the Robinson text, its editorial positioning, and some of its users' responses as material and social evidence for a phenomenon described by intellectual and legal historians as taking place at a more abstract level: “the More tradition” in the history of English penology, as Davies dubbed it.²⁰² Although correlation is still by no means causation, More's text became associated generally and by many individual readers with the origins of a wider trend in English policy, especially after the Reformation and during an age of increasing commercialization, when a new emphasis was placed on

¹⁹⁷ Slack, 1988, 113–36; Davies, 536, 545; McIntosh, 123–24, 138; King, 8.

¹⁹⁸ Folger, 18095.5, copy 2, sig. C3^v.

¹⁹⁹ Beier, 2016, chapter 9 at footnote 78.

²⁰⁰ Davies, 547.

²⁰¹ Innes, 43.

²⁰² Davies, 541–42; McCutcheon, 1991, 98; Spierenberg, 1996, 20; Guasco, 35; Beier, 2016, chapter 9 at footnote 78; Nyquist, 625.

linking punishment to labor and common utility. *Utopia* gave the concept of penal service “new found respect,” Mary Nyquist has argued, especially when presented in an increasingly unironic fashion in the English editions of the 1550s, I would add.²⁰³ In fact, by tracing the less ironic presentation, reception, and recontextualization of such ideas in and around the 1551 and 1556 editions, specifically, this article has sought to build a more nuanced basis for understanding how schemes so similar to *Utopia*’s rhetorical and even satirical models could have “found their way into” earnest laws and institutions during and after the crucible of the mid-Tudor years.²⁰⁴

First, in the voice of Hythloday especially, the text advanced a powerful and powerfully extractable argument for rehabilitative punishments, forming what was then the most radical critique of the penal status quo circulating in England.²⁰⁵ At the same time the ironies of the text’s surrounding counterproposals, their consequences, and their satirical tones, if intended by More to hedge against his characters’ primary arguments, did not succeed in giving much pause—at least not to the users of the book whose presences can still be traced from the 1550s Robinson editions. Nor did these ironies or counterarguments dissuade the civic Reformers whom Bishop especially has shown stood behind these books and their comparable institutions and policies, such as the uncannily similar policies of the 1547–49 statute, as I have suggested, or, slightly later, the new prison at Bridewell.²⁰⁶ In fact, the failure of that utopian statute may have imparted a lasting lesson for the administrators behind the new prison. As Guasco observed, Englishmen “such as Ralph Robinson,” Thomas Smith, and others seem to have realized that while penal slavery had “no place” in early modern England, another system of penal labor, or a “system of human bondage founded on progressive, redemptive ideals,” could nevertheless prove “tantalizing.”²⁰⁷

Correction was just such a system. Although the penology introduced at the house of correction in the 1550s would take centuries to become fully rationalized and institutionalized, and to fully eclipse its associations within the *ars rhetorica*, this core idea—that petty criminals ought to be trained for work, not just incapacitated, both for their own sake and for society’s—was given its strongest early modern expression in More’s *Utopia*. This idea would become one of the most powerful arguments of the modern penal age, or what Foucault called “the

²⁰³ Nyquist, 625.

²⁰⁴ Beier, 2016, chapter 9 at footnote 78.

²⁰⁵ Beier, 2016, chapter 9 at footnote 78; Spierenberg, 1996, 20.

²⁰⁶ Bishop.

²⁰⁷ Guasco, 39.

correctional world.”²⁰⁸ This idea retains the status of common sense today, even when correctional institutions consistently fall short of their supposedly rehabilitative aims. This idea, I would argue, and not necessarily *Utopia*'s critique of England's economic principles, became the text's signature argument in the sixteenth and seventeenth centuries, and its most enduringly important rhetorical relay, in form as in content: wherein more beneficial punishments were offered as a better way of justifying society's expanding carceral capacities. As Robinson's translation put it: “For there cummeth more profit of their labour, than of their death.”²⁰⁹

²⁰⁸ Foucault: “Le monde correctionnaire” is the title of the third chapter in the unabridged original.

²⁰⁹ More, 1556, sig. N8^r (More, 1551, sig. N7^v).

BIBLIOGRAPHY

Archival and Manuscript Sources

- Bethlem Museum of the Mind, Bridewell Court Book 01, April 1559–June 1562, one volume. Bodleian Library, Oxford.
- Bodleian, Tanner 872. *Utopia*. 1551.
- Bodleian, Tanner 66 (1). More, Thomas. *Utopia*. 1556.
- British Library (BL), London.
- BL, c.38.a.11. More, Thomas. *Utopia*. 1551.
- BL, g.2285.(2.). More, Thomas. *Utopia*. 1556.
- BL, Hargrave MS 89, A collection of law readings on various statutes.
- Brown University Library, Providence, RI, D556 .M836f. More, Thomas. *Utopia*. 1556.
- Cambridge University Library, Department of Manuscripts and University Archives, Commonplace Books of Historical Notes, Cambridge, UK, MS Add. 6160.
- Folger Shakespeare Library, Washington, DC.
- Folger, 18094, copy 2. More, Thomas. *Utopia*. 1551.
- Folger, 18095.5, copy 2. More, Thomas. *Utopia*. 1556.
- Harry Ransom Center Library (Ransom), University of Texas, Austin, TX, HX 811 1516 E5 1551. More, Thomas. *Utopia*. 1551.
- Harvard University Library, Cambridge, MA, 18095.5 (B). More, Thomas. *Utopia*. 1556.
- Princeton University Library, Princeton, NJ, EX 3865.5.392.83.12. More, Thomas. *Utopia*. 1556.

Printed Sources

- Abensour, Miguel. "The History of Utopia and the Destiny of Its Critique." In *Political Uses of Utopia* (2016), 3–56.
- Ames, Russell. *Citizen Thomas More and His Utopia*. Princeton, NJ: Princeton University Press, 1949.
- Archer, Ian. *The Pursuit of Stability: Social Relations in Elizabethan London*. Cambridge: Cambridge University Press, 2002.
- Avineri, Schlomo. "War and Slavery in More's Utopia." *International Review of Social History* 7.2 (1962): 260–90.
- Baker, T. F. T. "Smith, Thomas, (1513–77), of Ankerwyke, Bucks and Hill Hall, Theydon Mount, Essex." In *The History of Parliament: The House of Commons 1509–1588*, ed. S. T. Bindoff. London, 1982: <https://www.historyofparliamentonline.org/volume/1509-1558/member/smith-thomas-i-1513-77>.
- Baker, David. *Divulging Utopia: Radical Humanism in Sixteenth-Century England*. Amherst: University of Massachusetts Press, 1999.
- Baker-Smith, Dominic. "Reading Utopia." In *The Cambridge Companion to Thomas More*, ed. George Logan, 139–67. Cambridge: Cambridge University Press, 2011.
- Beier, A. L. *Masterless Men: The Vagrancy Problem in England, 1560–1640*. London: Methuen, 1985.
- Beier, A. L. "Foucault Redux? The Roles of Humanism, Protestantism, and an Urban Elite in Creating the London Bridewell, 1500–1560." In *Crime, Gender and Sexuality in Criminal Prosecutions*, ed. Louis Knafla, 33–60. London: Greenwood, 2002.

- Beier, A. L. *Social Thought in England, 1480–1730, from Body Social to Worldly Wealth*. London: Routledge, 2016. Google Play Books.
- Bennell, John. “Robinson, Ralph (1520–1577), translator.” In *Oxford Dictionary of National Biography*. Oxford: Oxford University Press, 2004. <https://doi.org/10.1093/ref:odnb/2386>.
- Bishop, Jennifer. “‘Utopia’ and Civic Politics in Sixteenth-Century London.” *Historical Journal* 54.4 (2011): 933–53.
- Bloch, Ernst. *The Principle of Hope, Volume 1*. Trans. Neville Plaice, Stephen Plaice, and Paul Knight. Reprint, Cambridge, MA: MIT Press, 1995.
- Brigden, Susan. *London and the Reformation*. New York: Faber and Faber, 1989. Kindle.
- Carroll, William. *Fat King, Lean Beggar: Representations of Poverty in the Age of Shakespeare*. Ithaca, NY: Cornell University Press, 1996.
- Cave, Terence, ed. *Thomas More’s “Utopia” in Early Modern Europe*. Manchester: Manchester University Press, 2012.
- Christopher, George. *Milton and the Science of the Saints*. Princeton, NJ: Princeton University Press, 1982.
- Cicero. *On Duties*. Trans. Walter Miller. Cambridge, MA: Harvard University Press, 1913. [Cicero]. *Rhetorica ad Herennium*. Trans. Harry Caplan. Cambridge, MA: Harvard University Press, 1954.
- Cormack, Bradin. *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509–1625*. Chicago: University of Chicago Press, 2007.
- Cummings, Brian. *The Literary Culture of the Reformation: Grammar and Grace*. Reprint, Oxford: Oxford University Press, 2009.
- Davies, C. S. L. “Slavery and Protector Somerset: The Vagrancy Act of 1547.” *Economic History Review* 19.3 (1966): 533–49.
- Davis, Natalie Zemon. *Society and Culture in Early Modern France: Eight Essays*. Stanford, CA: Stanford University Press, 1965.
- Donoghue, John. *Fire under the Ashes: An Atlantic History of the English Revolution*. Chicago: Chicago University Press, 2013.
- Ekirch, Roger. *Bound for America: The Transportation of British Convicts to the Colonies, 1718–1775*. Oxford: Oxford University Press, 1990.
- Eliot, Thomas. *The banquet of sapience gathered oute of dyvers and many godlye authors*. London: John Day, 1539. Early English Books Online.
- Elsky, Stephanie. “Common Law and the Commonplace in Thomas More’s Utopia.” *English Literary Renaissance* 43.2 (2013): 181–210.
- Elton, G. R. *Reform and Reformation: England, 1509–1558*. Cambridge, MA: Harvard University Press, 1977.
- Erasmus, Desiderius. *The Correspondence of Erasmus*, vol. 7. Trans. R. A. B. Mynors. Ed. Peter G. Bietenholz. Toronto: University of Toronto Press, 1987.
- Foley, Michael. “The Difference Theology Makes: A Reflection on the First Margin Note in Thomas More’s Utopia.” *Moreana* 54.1 (2017): 71–85.
- Foucault, Michel. *History of Madness*. Trans. Jean Khalfa and Jonathan Murphy. Reprint, London: Routledge, 2009.
- Grafton, Anthony. *The Culture of Correction in Renaissance Europe*. London: British Library, 2011.

- Grafton, Anthony, and Lisa Jardine. "Studied for Action: How Gabriel Harvey Read His Livy." *Past & Present* 129.1 (1990): 30–78.
- Greenblatt, Stephen. *Renaissance Self-Fashioning: From More to Shakespeare*. Chicago: University of Chicago Press, 1980.
- Greening, Anna. "Tottell [Tottel, Tothill], Richard (b. in or before 1528, d. 1593)." In *Oxford Dictionary of National Biography*. Oxford: Oxford University Press, 2015. doi: <https://doi.org/10.1093/ref:odnb/27573>.
- Griffiths, Paul. *Lost Londons: Change, Crime, and Control in the Capital City, 1550–1660*. Cambridge: Cambridge University Press, 2008.
- Guasco, Michael. *Slaves and Englishmen: Human Bondage in the Early Modern Atlantic World*. Philadelphia: University of Pennsylvania Press, 2014.
- Hazlitt, William. *A Roll of Honour: A Calendar of the Names of Over 17,000 Men and Women Who Throughout the British Isles and in Our Early Colonies Have Collected MSS. And Printed Books*. London: Bernard Quaritch, 1908.
- Hexter, J. H. *More's "Utopia": The Biography of an Idea*. Princeton, NJ: Princeton University Press, 1952.
- Hindle, Steve. *The State and Social Change in Early Modern England, c. 1550–1640*. New York: St. Martin's Press, 2000.
- Hindle, Steve. *On the Parish? The Micro-Politics of Poor Relief in Rural England, c. 1550–1750*. Oxford: Oxford University Press, 2004.
- Hinkle, William, and Stuart Henry. "Bridewell Prison and Workhouse." In *The Encyclopedia of Prisons and Correctional Facilities*, ed. Mary Bosworth, 82–85. New York: Sage, 2004.
- Houston, Chloe. *The Renaissance Utopia: Dialogue, Travel and the Ideal Society*. Farnham: Ashgate, 2014.
- Howes, John. *MS 1582: Being a Brief Note of the Order and Manner of the Proceedings in the First Erection of the Three Royal Hospitals*. Ed. William Lempriere. London: Vaughan Morgan, 1904.
- Hyde, Patricia. "Tadlowe, George (by 1505–57), of London." In *The History of Parliament: The House of Commons 1509–1588*, ed. S. T. Bindoff. London, 1982: <https://www.historyofparliamentonline.org/volume/1509-1588/member/tadlowe-george-1505-57>.
- Innes, Joanna. "Prisons for the Poor: English Bridewells, 1555–1800." In *Labour, Law, and Crime: An Historical Perspective*, ed. Douglas Hay and Francis Snyder, 42–122. London: Tavistock, 1987.
- Jameson, Fredric. *Archaeologies of the Future: The Desire Called Utopia and Other Science Fictions*. New York: Verso, 2007.
- Jefferson, Thomas. *The Papers of Thomas Jefferson*, vol. 2. Ed. Julian Boyd. Princeton, NJ: Princeton University Press, 1950.
- King, John. "Freedom of the Press, Protestant Propaganda, and Protector Somerset." *Huntington Library Quarterly* 40.1 (1976): 1–9.
- Laughton, J. K., and Alan Jamieson. "Pigot, Hugh (1722–1792), naval officer." In *Oxford Dictionary of National Biography*. Oxford: Oxford University Press, 2004. doi: <https://doi.org/10.1093/ref:odnb/22246>.

- Laughton, J. K., and Ann Veronica Coats. "Pigot, Hugh (bap. 1769, d. 1797), naval officer." In *Oxford Dictionary of National Biography*. Oxford: Oxford University Press, 2004. doi: <https://doi.org/10.1093/ref:odnb/22247>.
- Logan, George. *The Meaning of More's Utopia*. Princeton, NJ: Princeton University Press, 1983.
- Luders, Alexander, ed. *The statutes of the realm: printed by command of his majesty King George the third . . . from original records and authentic manuscripts*. 11 vols. Reprint, London: Dawson, 1963.
- M. A. P. "Cecil, Sir William (1520 or 1521–98), of Little Burghley, Northants., Stamford, Lincs., Wimbleton, Surr., Westminster, Mdx. and London." In *The History of Parliament: The House of Commons 1588–1603*, ed. P. W. Hasler. London, 1981: <https://www.historyofparliamentonline.org/volume/1558-1603/member/cecil-sir-william-1521-98>.
- McCutcheon, Elizabeth. *My Dear Peter: The Ars Poetica and Hermeneutics for More's "Utopia."* Angers: Moreana, 1983.
- McCutcheon, Elizabeth. "More's *Utopia* as Commonplacé in Edward Pudsey's 'Booke' (Circa 1600)." *Moreana* 27.103 (1990): 33–40.
- McCutcheon, Elizabeth. "Puns, Paradoxes, and Heuristic Inquiry: The 'De Servis' Section of More's *Utopia*." *Moreana* 52.201–02 (1991): 91–202.
- McIntosh, Marjorie. *Poor Relief in England, 1350–1600*. Cambridge: Cambridge University Press, 2012.
- McKnight, Gail, ed. *The Statutes at Large of Pennsylvania in the Time of William Penn*. New York: Vantage, 1976.
- Melossi, Dario, and Massimo Pavarini. *The Prison and the Factory: Origins of the Penitentiary System (40th Anniversary Edition)*. London: Palgrave Macmillan, 2018.
- Miller, Hellen. "Bowes, Sir Martin (1496/97–1566), of London, Woolwich and North Cray, Kent." In *The History of Parliament: The House of Commons 1509–1588*, ed. S. T. Bindoff. London, 1982: <https://www.historyofparliamentonline.org/volume/1509-1558/member/bowes-sir-martin-149697-1566>.
- More, Thomas. *Utopia*. Trans. Ralph Robinson. London: [S. Mierdman] for Abraham Veale, 1551. Early English Books Online.
- More, Thomas. *Utopia*. Trans. Ralph Robinson. London: [Richard Tottel for] Abraham Veale, 1556. Early English Books Online.
- More, Thomas. *Utopia: Latin Text and an English Translation*. Trans. George Logan, Robert Adams, and Clarence Miller. Cambridge: Cambridge University Press, 1995.
- Morgan, Gwenda, and Peter Rushton. *Eighteenth-Century Criminal Transportation: The Formation of the Criminal Atlantic*. Basingstoke: Palgrave Macmillan, 2004.
- Nelson, Eric. "Utopia through Italian Eyes: Thomas More and the Critics of Civic Humanism." *Renaissance Quarterly* 59.4 (2006): 1029–57.
- Norbrook, David. *Poetry and Politics in the English Renaissance*. Oxford: Oxford University Press, 2002.
- Nyquist, Mary. "Base Slavery and Roman Yoke." In *The Oxford Handbook of Law and Literature, 1500–1700*, ed. Lorna Hutson, 624–48. Oxford: Oxford University Press, 2017.
- O'Donoghue, E. G. *Bridewell Hospital; Palace, Prison, Schools: From the Earliest Times to the End of the Reign of Elizabeth*. London: John Lane, 1923.

- Patterson, Orlando. *Slavery and Social Death: A Comparative Study*. Cambridge, MA: Harvard University Press, 1982.
- Penn, William. *The Papers of William Penn, Volume 2: 1680–1684*. Ed. Richard Dunn, Mary Maples Dunn, Richard Ryerson, et al. Philadelphia: University of Pennsylvania Press, 1982.
- Plato. *Complete Works*. Ed. John M. Cooper. Indianapolis, IN: Hackett, 1997.
- Political Uses of Utopia: New Marxist, Anarchist, and Radical Democratic Perspectives*. Ed. S. D. Chrostowska and James Ingram. New York: Columbia University Press, 2016.
- Puttenham, George. *The Art of English Poesy*. Ed. Wayne Rebhorn and Frank Whigham. Ithaca, NY: Cornell University Press, 2007.
- Rancière, Jacques. "The Senses and Uses of Utopia." In *Political Uses of Utopia* (2016), 219–32.
- Sacks, David, ed. *Utopia*. New York: Bedford St. Martin's, 1999.
- Savage, Richard, ed. *The Registers of Stratford-on-Avon, in the County of Warwick: Baptisms, 1558–1652*. London: Parish Register Society, 1897.
- Sharpe, J. A. *Crime in Early Modern England, 1550–1750*. Harlow: Longman, 1999.
- Skinner, Quentin. *Visions of Politics*, vol. 2. Cambridge: Cambridge University Press, 2007.
- Slack, Paul. *Poverty and Policy in Tudor and Stuart England*. New York: Longman, 1988.
- Slack, Paul. *The English Poor Law, 1531–1782*. London: Macmillan, 1990.
- Slack, Paul. "Hospitals, Workhouses, and the Relief of the Poor in Early Modern London." In *Health Care and Poor Relief in Protestant Europe, 1500–1700*, ed. Andrew Cunningham and Ole Peter Grell, 229–47. London: Routledge, 1997.
- Slights, William. *Managing Readers: Printed Marginalia in English Renaissance Books*. Ann Arbor: University of Michigan Press, 2001.
- Spierenberg, Pieter. *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe*. New Brunswick, NJ: Rutgers University Press, 1991.
- Spierenberg, Pieter. "Four Centuries of Prison History: Punishment, Suffering, the Body, and Power." In *Institutions of Confinement: Hospitals and Prisons in Western Europe and North America, 1500–1950*, ed. Norbert Finzsch and Robert Jütte, 17–39. Cambridge: Cambridge University Press, 1996.
- Stanley, Thomas. *Stanleyes remedy: or, The vway how to reform wandring beggers, theeves, high-way robbers and pick-pockets*. London, 1646. Early English Books Online.
- Ungerer, Gustave. "Prostitution in Late Elizabethan England: The Case of Mary Newborough." *Medieval and Renaissance Drama in England* 15 (2003): 138–223.
- Warner, Christopher. *The Making and Marketing of Tottel's Miscellany, 1557*. London: Routledge, 2013.
- Weber, Max. *The Protestant Ethic and the Spirit of Capitalism: The Revised 1920 Edition*. Trans. Stephen Kalberg. Oxford: Oxford University Press, 2011.
- Wilson, Thomas. *The arte of rhetorique for the use of all suche as are studious of eloquence, sette forth in English*. London, 1553. Early English Books Online.
- Wood, Andy. *The Rebellions of 1549 and the Making of Early Modern England*. Cambridge: Cambridge University Press, 2007.
- Wrightson, Keith. "Two Concepts of Order." In *An Ungovernable People: The English and Their Law*, ed. John Brewer, 21–46. New Brunswick, NJ: Rutgers University Press, 1980.
- Wrightson, Keith. *English Society, 1580–1680*. New Brunswick, NJ: Rutgers University Press, 1984.